IN THE SUPREME COURT OF THE STATE OF NEVADA

INDICATE FULL CAPTION:

LEONIDAS P. FLANGAS, AN INDIVIDUAL,
Appellant,

vs.

PERFEKT MARKETING, LLC, AN ARIZONA LIMITED LIABILITY COMPANY,
Respondent.

No. 81385

Electronically Filed
Aug 29 2020 12:22 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

DOCKETING STATEMENT
CIVIL APPEALS

GENERAL INFORMATION

Appellants must complete this docketing statement in compliance with NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, identifying issues on appeal, assessing presumptive assignment to the Court of Appeals under NRAP 17, scheduling cases for oral argument and settlement conferences, classifying cases for expedited treatment and assignment to the Court of Appeals, and compiling statistical information.

WARNING

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to fill out the statement completely or to file it in a timely manner constitutes grounds for the imposition of sanctions, including a fine and/or dismissal of the appeal.

A complete list of the documents that must be attached appears as Question 27 on this docketing statement. Failure to attach all required documents will result in the delay of your appeal and may result in the imposition of sanctions.

This court has noted that when attorneys do not take seriously their obligations under NRAP 14 to complete the docketing statement properly and conscientiously, they waste the valuable judicial resources of this court, making the imposition of sanctions appropriate. *See* KDI Sylvan Pools v. Workman, 107 Nev. 340, 344, 810 P.2d 1217, 1220 (1991). Please use tab dividers to separate any attached documents.

Docket 81385 Document 2020-31911

1. Judicial District Eighth Department VIII

County Clark Judge Atkin

District Ct. Case No. A-19-788870-F

2. Attorney filing this docketing statement:

Attorney Ian Christopherson Telephone 702-372-9649

Firm

Address 600 S. Third St.
Las Vegas, NV 89101

Client(s) Leonidas Flangas

If this is a joint statement by multiple appellants, add the names and addresses of other counsel and the names of their clients on an additional sheet accompanied by a certification that they concur in the filing of this statement.

3. Attorney(s) representing respondents(s):

Attorney Vernon Nelson Telephone 702-476-2500

Firm The Law Office of Vernon Nelson

Address 6787 W. Tropicana Ave. #103
Las Vegas, NV 89103

Client(s) Perfekt Marketing LLC

Attorney Telephone

Firm

Address

Client(s)

(List additional counsel on separate sheet if necessary)

4. Nature of disposition below (check all that apply):

- ☐ Judgment after bench trial
- ☐ Judgment after jury verdict
- ☐ Summary judgment
- ☐ Default judgment
- ☐ Grant/Denial of NRCP 60(b) relief
- ☐ Grant/Denial of injunction
- ☐ Grant/Denial of declaratory relief
- ☐ Review of agency determination
- ☐ Dismissal:
  - ☐ Lack of jurisdiction
  - ☐ Failure to state a claim
  - ☐ Failure to prosecute
  - ☐ Other (specify): _____
- ☐ Divorce Decree:
  - ☐ Original ☐ Modification
- ☒ Other disposition (specify): Deny Mot to Strike

5. Does this appeal raise issues concerning any of the following?

- ☐ Child Custody
- ☐ Venue
- ☐ Termination of parental rights

6. Pending and prior proceedings in this court. List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal:

None.

7. Pending and prior proceedings in other courts. List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (*e.g.*, bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:

This case involves an Arizona judgment filed before it expired in Arizona, but served after it expired in Arizona.

Perfekt Marketing, LLC v. Leonidas Flangas, et al., Superior Court, Maricopa County, State of Arizona, Case No. CV2012-002215

8. Nature of the action. Briefly describe the nature of the action and the result below:

This case involves an Arizona judgment filed before it expired in Arizona and not renewed in Arizona, but served upon Appellant after it expired in Arizona.

Appellant filed a motion for relief from void judgment and motion for protective order that was denied by the trial court.

9. Issues on appeal. State concisely the principal issue(s) in this appeal (attach separate sheets as necessary):

Whether the foreign judgment entered on May 5, 2014, was required to be timely renewed in the foreign jurisdiction to be enforceable in Nevada.

Whether the Uniform Enforcement of Foreign Judgment Act (UEFJA), NRS NRS 17.330 – 17.400, violates due process as applied. When a foreign judgment is enforceable and not served until after foreign judgment expires, thus depriving the judgment debtor of the ability to raise defenses under the UEFJA, due process is denied.

10. Pending proceedings in this court raising the same or similar issues. If you are aware of any proceedings presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket numbers and identify the same or similar issue raised:

None

11. Constitutional issues. If this appeal challenges the constitutionality of a statute, and the state, any state agency, or any officer or employee thereof is not a party to this appeal, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

☐ N/A

☐ Yes

☒ No

If not, explain: Notice will be filed shortly after the filing of the Docketing Statement.

12. Other issues. Does this appeal involve any of the following issues?

☐ Reversal of well-settled Nevada precedent (identify the case(s))

☒ An issue arising under the United States and/or Nevada Constitutions

☐ A substantial issue of first impression

☒ An issue of public policy

☐ An issue where en banc consideration is necessary to maintain uniformity of this court's decisions

☐ A ballot question

If so, explain: This case deals with the full faith and credit doctrine that requires each state to give effect to the judicial proceedings of other states pursuant to U.S. Constituion, Art. IV, section 1, given that the foreign judgment was not timely renewed under Arizona statute.

It is also a matter of public policy as to whether an expired foreign judgment can be "reactivated" and and enforced against a Nevada resident by filing that judgment in Nevada in a manner that the judgment debtor is denied due process.

13. Assignment to the Court of Appeals or retention in the Supreme Court. Briefly set forth whether the matter is presumptively retained by the Supreme Court or assigned to the Court of Appeals under NRAP 17, and cite the subparagraph(s) of the Rule under which the matter falls. If appellant believes that the Supreme Court should retain the case despite its presumptive assignment to the Court of Appeals, identify the specific issue(s) or circumstance(s) that warrant retaining the case, and include an explanation of their importance or significance:

This case should be retained by the Supreme Court as it involves a Constitutional Question regarding the full faith and credit doctrine. (NRAP 17(a)(11).)

Further it contains a question of public policy in whether an expired foreign judgment can be "reactivated" and enforced against a Nevada resident by filing that judgment in Nevada. (NRAP 17(a)(12).)

14. Trial. If this action proceeded to trial, how many days did the trial last? _____

Was it a bench or jury trial? Matter was decided on a motion.

15. Judicial Disqualification. Do you intend to file a motion to disqualify or have a justice recuse him/herself from participation in this appeal? If so, which Justice?
No.

TIMELINESS OF NOTICE OF APPEAL

16. Date of entry of written judgment or order appealed from 06/04/2020

If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

17. Date written notice of entry of judgment or order was served 06/05/2020

Was service by:

☐ Delivery

☒ Mail/electronic/fax

18. If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCP 50(b), 52(b), or 59)

(a) Specify the type of motion, the date and method of service of the motion, and the date of filing.

☐ NRCP 50(b) Date of filing _____

☐ NRCP 52(b) Date of filing _____

☐ NRCP 59 Date of filing _____

NOTE: Motions made pursuant to NRCP 60 or motions for rehearing or reconsideration may toll the time for filing a notice of appeal. ***See*** **AA Primo Builders v. Washington, 126 Nev. ____, 245 P.3d 1190 (2010).**

(b) Date of entry of written order resolving tolling motion _____

(c) Date written notice of entry of order resolving tolling motion was served _____

Was service by:

☐ Delivery

☐ Mail

19. Date notice of appeal filed 06/20/2020

If more than one party has appealed from the judgment or order, list the date each notice of appeal was filed and identify by name the party filing the notice of appeal:

20. Specify statute or rule governing the time limit for filing the notice of appeal, *e.g.*, NRAP 4(a) or other

NRAP 4(a)(1)

SUBSTANTIVE APPEALABILITY

21. Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:

(a)

- ☒ NRAP 3A(b)(1)
- ☐ NRAP 3A(b)(2)
- ☐ NRAP 3A(b)(3)
- ☐ Other (specify)
- ☐ NRS 38.205
- ☐ NRS 233B.150
- ☐ NRS 703.376

(b) Explain how each authority provides a basis for appeal from the judgment or order: 3A(b)(1) applies to this matter because the foreign judgment was filed in the trial court for purposes of domestication. Appellant, though a motion for relief from void judgment and motion for protective order, contested Respondent's attempt to domesticate the expired foreign judgment and the trial court denied Appellant's motion. Thus, the trial court's denial of Appellant's motion effectively rendered a final judgment domesticating the expired foreign judgment.

22. List all parties involved in the action or consolidated actions in the district court:

(a) Parties:

PERFEKT MARKETING, LLC, Plaintiff/ Counterdefendant.
LEONIDAS P. FLANGAS; Atlantis Concierge Services, LLC; Diamond Destinations, LLC, Defendants /Counterclaimants

(b) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal, *e.g.*, formally dismissed, not served, or other:

Only Leo Flangas was served.

23. Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims, or third-party claims and the date of formal disposition of each claim.

N/A

24. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL the parties to the action or consolidated actions below?

☒ Yes

☐ No

25. If you answered "No" to question 24, complete the following:

(a) Specify the claims remaining pending below:

(b) Specify the parties remaining below:

(c) Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCP 54(b)?

☐ Yes

☒ No

(d) Did the district court make an express determination, pursuant to NRCP 54(b), that there is no just reason for delay and an express direction for the entry of judgment?

☐ Yes

☒ No

26. If you answered "No" to any part of question 25, explain the basis for seeking appellate review (*e.g.*, order is independently appealable under NRAP 3A(b)):

This matter involves domesticating an expired foreign judgment. It is independently appealable under NRAP 3A(b).

27. Attach file-stamped copies of the following documents:

- The latest-filed complaint, counterclaims, cross-claims, and third-party claims
- Any tolling motion(s) and order(s) resolving tolling motion(s)
- Orders of NRCP 41(a) dismissals formally resolving each claim, counterclaims, cross-claims and/or third-party claims asserted in the action or consolidated action below, even if not at issue on appeal
- Any other order challenged on appeal
- Notices of entry for each attached order

VERIFICATION

I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.

Leonidas P. Flangas
Name of appellant

Ian Christopherson
Name of counsel of record

08/19/2020
Date

/s/ Ian Christopherson
Signature of counsel of record

Clark County, NV
State and county where signed

CERTIFICATE OF SERVICE

I certify that on the 29 day of August, 2020, I served a copy of this completed docketing statement upon all counsel of record:

☐ By personally serving it upon him/her; or

☒ By mailing it by first class mail with sufficient postage prepaid to the following address(es): (NOTE: If all names and addresses cannot fit below, please list names below and attach a separate sheet with the addresses.)

Vernon Nelson,Esq.
Th Law Office of Vernon Nelson
6787 W. Tropicana Ave. #103
Las Vegas, NV 89103

Settlement Judge Larry J. Cohen
P.O. Box 10056
Phoenix, AZ 85064

Dated this 29 day of August, 2020

/s/ Natasha Smith
Signature

EXHIBIT “1”

Electronically Filed
2/5/2019 4:14 PM
Steven D. Grierson
CLERK OF THE COURT

FORJ
VERNON A. NELSON, JR., ESQ.
Nevada Bar No.: 6434
THE LAW OFFICE OF VERNON NELSON
9480 S. Eastern Ave., Ste. 252
Las Vegas, Nevada 89123
T: 702-476-2500 | F: 702-476-2788
E-mail: vnelson@nelsonlawfirmlv.com
Attorneys for Perfekt Marketing LLC

DISTRICT COURT

COUNTY OF CLARK, STATE OF NEVADA

PERFEKT MARKETING L.L.C, an Arizona limited liability company, Plaintiff, v. LEONIDAS P. FLANGAS, an individual; ATLANTIS CONCIERGE SERVICES, LLC, a Nevada limited liability company; DIAMOND DESTINATIONS, LLC, a Nevada limited liability company, Defendants.	Case No.: A-19-788870-F Dept No.: Department 9
LEONIDAS P. FLANGAS, an individual; ATLANTIS CONCIERGE SERVICES, LLC a Nevada limited liability company; DIAMOND DESTINATIONS, LLC a Nevada limited liability company, Counterclaimants, v. PERFEKT MARKETING, LLC, an Arizona limited liability company; JOHN DOES 1-5 ; XYZ CORP 1-5, Counterdefendants.	

APPLICATION OF FOREIGN JUDGMENT

COMES NOW Plaintiff, PERFEKT MARKETING LLC, by and through counsel, VERNON A. NELSON, JR., ESQ., of THE LAW FIRM OF VERNON NELSON, and hereby files its Foreign

THE LAW OFFICE OF VERNON NELSON
ATTORNEY AT LAW

Judgment pursuant to NRS 17, specifically NRS 17.350, and registers an exemplified copy of Judgment, incorporated by reference and attached hereto as ***Exhibit 1***, which states as follows:

Judgment from the Superior Court of Arizona, County of Maricopa, signed by the Clerk of the Superior Court, Michael K. Jeanes, and filed on May 5, 2014 in the amount $175,000.00 plus interest at the rate of 4.25% per annum against Defendants Leonidas P. Flangas, et. al.

The Judgment has been satisfied in the amount of $39,012 and the amount of $168,104.75, plus interest at the maximum legal rate and allowable costs remains due and owing (see Affidavit of Judgment incorporated and attached hereto as ***Exhibit 2***).

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

DATED this 1st day of February, 2019.

THE LAW OFFICE OF VERNON NELSON

By: */s/ Vernon A. Nelson, Jr., Esq.*
VERNON A. NELSON, JR., ESQ.
Nevada Bar No.: 6434
9480 S. Eastern Ave., Ste. 252
Las Vegas, Nevada 89123
Attorneys for Perfekt Marketing LLC

EXHIBIT 1

FILED
MAY 05 2014 3:03 p.m.
MICHAEL K. JEANES, Clerk
By J. Polanco
J. Polanco, Deputy

THE CAVANAGH LAW FIRM
A Professional Association

1850 NORTH CENTRAL AVENUE
SUITE 2400
PHOENIX, ARIZONA 85004-4527
(602) 322-4000
edocket@cavanaghlaw.com

Frank M. Fox, SBN 10235
ffox@cavanaghlaw.com
Nelson A. F. Mixon, SBN 028882
nmixon@cavanaghlaw.com
Attorneys for Perfekt Marketing, LLC

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

PERFEKT MARKETING, LLC, an Arizona limited liability company, Plaintiff, v. LEONIDAS P. FLANGAS, an individual; ATLANTIS CONCIERGE SERVICES, LLC, a Nevada limited liability company; DIAMOND DESTINATIONS, LLC, a Nevada limited liability company, Defendants.	**NO. CV2012-002215** **JUDGMENT** (Assigned to the Hon. J. Richard Gama)
LEONIDAS P. FLANGAS, an individual; ATLANTIS CONCIERGE SERVICES, LLC, a Nevada limited liability company; DIAMOND DESTINATIONS, LLC, a Nevada limited liability company, Counterclaimants, v. PERFEKT MARKETING, LLC, an Arizona limited liability company; JOHN DOES 1-5; XYZ CORP 1-5, Counterdefendants.	

IT IS HEREBY ORDERED entering judgment in favor of Plaintiff Perfekt Marketing, LLC and against Defendants Leonidas P. Flangas, Atlantis Concierge Services, LLC, and Diamond Destinations, LLC, jointly and severally, in the amount of $175,000.00 plus interest at the rate of 4.25% per annum. This judgment shall be non-dischargeable, to the extent of $100,000.00, in any proceeding under the United States Bankruptcy Code or other bankruptcy or insolvency law.

IT IS FURTHER ORDERED that, pursuant to the parties' settlement agreement, Defendants Leonidas P. Flangas, Atlantis Concierge Services, LLC, and Diamond Destinations, LLC shall turn over, or cause to be turned over, to Perfekt Marketing or its attorneys of record all ledgers and financial statements of Atlantis Concierge Services, LLC and Diamond Destinations, LLC within 10 days of the entry of this Judgment.

SIGNED this 5 day of ~~April~~ May, 2014.

The Honorable J. Richard Gama
Judge of the Superior Court

ORIGINAL of the foregoing
filed this same date with

Clerk of the Court
Maricopa County Superior Court

COPIES mailed this same date to:

Frank M. Fox
Nelson A. F. Mixon
The Cavanagh Law Firm, P.A.
1850 North Central Avenue, Suite 2400
Phoenix, Arizona 85004
Attorneys for Plaintiff

LAW OFFICES
THE CAVANAGH LAW FIRM, P.A.
1850 NORTH CENTRAL AVENUE, SUITE 2400
PHOENIX, ARIZONA 85004-4527
(602) 322-4000

K. Alan Holcomb
Holcomb Law Firm, PC
1334 East Chandler Boulevard, Suite 5 Box C-32
Phoenix, Arizona 85048
Attorney for Plaintiff

Elvin Garry Grundy, III
The Grundy Law Firm, PLLC
P.O. Box 90166
Phoenix, Arizona 85066
Attorney for Defendants

LAW OFFICES
THE CAVANAGH LAW FIRM, P.A.
1850 NORTH CENTRAL AVENUE, SUITE 2400
PHOENIX, ARIZONA 85004-4527
(602) 322-4000

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

STATE OF ARIZONA)
) ss. Cause Number:
COUNTY OF MARICOPA)

CV2012-002215

I, CHRIS DEROSE, the duly elected Clerk of the Superior Court of the State of Arizona, in and for the County of Maricopa, having official custody of the Court's records, do hereby certify and attest the foregoing to be a full, true and correct copy of the original:

JUDGMENT Filed 05/05/2014

on file and of record in my office, and that I have carefully compared the same with the original, all of which I have caused to be authenticated according to the act of Congress (28, USC, Sec. 1738) and the Arizona Rules of Evidence.

Chris DeRose

Clerk of the Superior Court

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

I, JANET E. BARTON, Presiding Judge of the Superior Court of the State of Arizona, in and for the County of Maricopa, do hereby certify that said Court is a Court of Record having a Clerk and Seal. That CHRIS DEROSE, who signed the foregoing certificate, is the duly elected Clerk of said Superior Court. That said signature is his authorized signature, and that all of his official acts, as such Clerk, are entitled to full faith and credit.

I further certify that said attestation is in due form of law.

IN WITNESS WHEREOF, I have hereunto set my hand in my official capacity as such Judge, and affixed the seal of said Court, this date:

12/06/2018

Janet E. Barton

Presiding Judge of the Superior Court

EXHIBIT 2

VERNON A. NELSON, JR., ESQ.
Nevada Bar No.: 6434
THE LAW OFFICE OF VERNON NELSON
9480 S. Eastern Ave., Ste. 252
Las Vegas, Nevada 89123
T: 702-476-2500 | F: 702-476-2788
vnelson@nelsonlawfirmlv.com
Attorneys for Perfekt Marketing LLC

DISTRICT COURT

COUNTY OF CLARK, STATE OF NEVADA

PERFEKT MARKETING L.L.C, an Arizona limited liability company, Plaintiff, v. LEONIDAS P. FLANGAS, an individual; ATLANTIS CONCIERGE SERVICES, LLC, a Nevada limited liability company ; DIAMOND DESTINATIONS, LLC, a Nevada limited liability company, Defendants.	Case No.: Dept No.:
LEONIDAS P. FLANGAS, an individual; ATLANTIS CONCIERGE SERVICES, LLC a Nevada limited liability company; DIAMOND DESTINATIONS, LLC a Nevada limited liability company, Counterclaimants, v. PERFEKT MARKETING, LLC, an Arizona limited liability company; JOHN DOES 1-5; XYZ CORP 1-5, Counterdefendants.	

AFFIDAVIT OF JUDGMENT

PLEASE TAKE NOTICE that a Judgment was entered on May 5, 2014, in the action entitled *Perfekt Marketing, LLC, an Arizona limited liability company v. Leonidas P. Flangas, et al.*, in the Superior Court of the State of Arizona in and for the County of Maricopa Case Number CV2012-

THE LAW OFFICE OF VERNON NELSON
ATTORNEY AT LAW

002215, in favor of Perfekt Marketing (hereinafter "Judgment Creditor") located at 3015 South 48th Street, Tempe, Arizona 85282 and against LEONIDAS P. FLANGAS ("Judgment Debtor") located at 3245 South Tioga Way, Las Vegas, Nevada 89117.

The foreign judgment that is attached to the Application of Foreign Judgment is valid and enforceable and was entered in the amount $175,000.00 plus interest at the rate of 4.25% per annum.

As of the date of this Affidavit $39,012.00 of the foreign judgment has been satisfied and the amount of $168,104.75, plus interest at the maximum legal rate and allowable costs remains due and owing from the Judgment Debtor.

DATED this 4th day of February, 2019.

THE LAW OFFICE OF VERNON NELSON

By: */s/ Vernon A. Nelson, Jr., Esq.*
VERNON A. NELSON, JR., ESQ.
Nevada Bar No.: 6434
9480 S. Eastern Ave., Ste. 252
Las Vegas, Nevada 89123
Attorneys for Perfekt Marketing LLC

EXHIBIT “2”

Electronically Filed
2/6/2019 2:44 PM
Steven D. Grierson
CLERK OF THE COURT

NOTC
VERNON A. NELSON, JR., ESQ.
Nevada Bar No.: 6434
THE LAW OFFICE OF VERNON NELSON
9480 S. Eastern Ave., Ste. 252
Las Vegas, Nevada 89123
T: 702-476-2500 | F: 702-476-2788
E-Mail: vnelson@nelsonlawfirmlv.com
Attorneys for Perfekt Marketing LLC

DISTRICT COURT

COUNTY OF CLARK, STATE OF NEVADA

PERFEKT MARKETING L.L.C, an Arizona limited liability company, Plaintiff, v. LEONIDAS P. FLANGAS, an individual; ATLANTIS CONCIERGE SERVICES, LLC, a Nevada limited liability company; DIAMOND DESTINATIONS, LLC, a Nevada limited liability company, Defendants.	Case No.: A-19-788870-F Dept No.: IX **NOTICE OF FILING APPLICATION OF FOREIGN JUDGMENT AND AFFIDAVIT OF JUDGMENT**
LEONIDAS P. FLANGAS, an individual; ATLANTIS CONCIERGE SERVICES, LLC a Nevada limited liability company; DIAMOND DESTINATIONS, LLC a Nevada limited liability company, Counterclaimants, v. PERFEKT MARKETING, LLC, an Arizona limited liability company; JOHN DOES 1-5 ; XYZ CORP 1-5, Counterdefendants.	

THE LAW OFFICE OF VERNON NELSON
ATTORNEY AT LAW

NOTICE OF FILING APPLICATION OF FOREIGN JUDGMENT AND AFFIDAVIT OF JUDGMENT

TO: LEONIDAS P. FLANGAS, Defendant(s)

PLEASE TAKE NOTICE that an Application of Foreign Judgment, a copy of which is incorporated by reference and attached hereto as ***Exhibit 1*** was filed on the above referenced case on the 5th day of February, 2019.

Further, an Affidavit of Judgment Creditor, a copy of which is incorporated by reference and attached hereto as ***Exhibit 2***.

The name and the post office address of the Judgment Creditor is:

PERFEKT MARKETING, LLC
3015 South 48th Street
Tempe, AZ 85282

The name and last know address of the Judgment Debtor is:

LEONIDAS P. FLANGAS
3245 South Tioga Way
Las Vegas, Nevada 89117

DATED this 6th day of February, 2019.

THE LAW OFFICE OF VERNON NELSON

By: */s/ Vernon A. Nelson, Jr., Esq.*
VERNON A. NELSON, JR., ESQ.
Nevada Bar No.: 6434
9480 S. Eastern Ave., Ste. 252
Las Vegas, Nevada 89123
Attorneys for Perfekt Marketing LLC

PROOF OF SERVICE
Perfekt Marketing v. Leonidas P. Flangas, et al.

I, Coreene Drose, declare:

I am over the age of eighteen (18) years and not a party to the within entitled action. I am employed by The Law Office of Vernon Nelson, PLLC, 9480 S. Eastern Avenue, Suite 252, Las Vegas, Nevada 89123. I am readily familiar with The Law Office of Vernon Nelson, PLLC's practice for collection and processing of documents for delivery by way of the service indicated below.

On February 6, 2019, I served the following document(s):

NOTICE OF FILING APPLICATION OF FOREIGN JUDGMENT AND AFFIDAVIT OF JUDGMENT CREDITOR

on the interested party(ies) in this action as follows:

Leonidas P. Flangas
3245 South Tioga Way,
Las Vegas, Nevada 89117

The Grundy Law Firm, PLLC
PO BOX 90166
Phoenix, AZ 85066
Attorneys for Defendant, Leonidas P. Flangas

X By Certified Mail. By placing said document(s) in an envelope or package for collection and mailing Certified mail, return receipt requested, addressed to the person(s) at the address(es) listed above, following our ordinary business practices. I am readily familiar with the firm's practice for collection and processing of mail. Under that practice, on the same day that mail is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service, in a sealed envelope or package with the postage fully prepaid.

☐ **By Facsimile Transmission.** Based on an agreement of the parties to accept service by facsimile transmission or by Court order; or as a courtesy copy, I caused said document(s) to be transmitted to the person(s) at the facsimile number(s) listed above. The facsimile transmission was reported as complete and a copy of the transmission report will be maintained with the document(s) in this office.

☐ **By Electronic Service.** Pursuant to Administrative Order 14-2 and Rule 9 of the NEFCR I caused said documents(s) to be transmitted to the person(s) identified in the E-Service List for this captioned case in Odyssey E-File & Serve of the Eighth Judicial District Court, County of Clark, State of Nevada. A service transmission report reported service as complete and a copy of the service transmission report will be maintained with the document(s) in this office.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

/s/ Coreene Drose
An Employee of
THE LAW OFFICE OF VERNON NELSON

EXHIBIT 1

Electronically Filed
2/5/2019 4:14 PM
Steven D. Grierson
CLERK OF THE COURT

FORJ
VERNON A. NELSON, JR., ESQ.
Nevada Bar No.: 6434
THE LAW OFFICE OF VERNON NELSON
9480 S. Eastern Ave., Ste. 252
Las Vegas, Nevada 89123
T: 702-476-2500 | F: 702-476-2788
E-mail: vnelson@nelsonlawfirmlv.com
Attorneys for Perfekt Marketing LLC

DISTRICT COURT

COUNTY OF CLARK, STATE OF NEVADA

PERFEKT MARKETING L.L.C, an Arizona limited liability company, Plaintiff, v. LEONIDAS P. FLANGAS, an individual; ATLANTIS CONCIERGE SERVICES, LLC, a Nevada limited liability company; DIAMOND DESTINATIONS, LLC, a Nevada limited liability company, Defendants.	Case No.: A-19-788870-F Dept No.: Department 9
LEONIDAS P. FLANGAS, an individual; ATLANTIS CONCIERGE SERVICES, LLC a Nevada limited liability company; DIAMOND DESTINATIONS, LLC a Nevada limited liability company, Counterclaimants, v. PERFEKT MARKETING, LLC, an Arizona limited liability company; JOHN DOES 1-5 ; XYZ CORP 1-5, Counterdefendants.	

APPLICATION OF FOREIGN JUDGMENT

COMES NOW Plaintiff, PERFEKT MARKETING LLC, by and through counsel, VERNON A. NELSON, JR., ESQ., of THE LAW FIRM OF VERNON NELSON, and hereby files its Foreign

THE LAW OFFICE OF VERNON NELSON
ATTORNEY AT LAW

Judgment pursuant to NRS 17, specifically NRS 17.350, and registers an exemplified copy of Judgment, incorporated by reference and attached hereto as ***Exhibit 1***, which states as follows:

Judgment from the Superior Court of Arizona, County of Maricopa, signed by the Clerk of the Superior Court, Michael K. Jeanes, and filed on May 5, 2014 in the amount $175,000.00 plus interest at the rate of 4.25% per annum against Defendants Leonidas P. Flangas, et. al.

The Judgment has been satisfied in the amount of $39,012 and the amount of $168,104.75, plus interest at the maximum legal rate and allowable costs remains due and owing (see Affidavit of Judgment incorporated and attached hereto as ***Exhibit 2***).

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

DATED this 1st day of February, 2019.

THE LAW OFFICE OF VERNON NELSON

By: */s/ Vernon A. Nelson, Jr., Esq.*
VERNON A. NELSON, JR., ESQ.
Nevada Bar No.: 6434
9480 S. Eastern Ave., Ste. 252
Las Vegas, Nevada 89123
Attorneys for Perfekt Marketing LLC

EXHIBIT 1

FILED
MAY 05 2014 3:03 p.m.
MICHAEL K. JEANES, Clerk
By J. Polanco
J. Polanco, Deputy

THE CAVANAGH LAW FIRM
A Professional Association

1850 NORTH CENTRAL AVENUE
SUITE 2400
PHOENIX, ARIZONA 85004-4527
(602) 322-4000
edocket@cavanaghlaw.com

Frank M. Fox, SBN 10235
ffox@cavanaghlaw.com
Nelson A. F. Mixon, SBN 028882
nmixon@cavanaghlaw.com
Attorneys for Perfekt Marketing, LLC

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

PERFEKT MARKETING, LLC, an Arizona limited liability company, Plaintiff, v. LEONIDAS P. FLANGAS, an individual; ATLANTIS CONCIERGE SERVICES, LLC, a Nevada limited liability company; DIAMOND DESTINATIONS, LLC, a Nevada limited liability company, Defendants.	**NO. CV2012-002215** **JUDGMENT** (Assigned to the Hon. J. Richard Garna)
LEONIDAS P. FLANGAS, an individual; ATLANTIS CONCIERGE SERVICES, LLC, a Nevada limited liability company; DIAMOND DESTINATIONS, LLC, a Nevada limited liability company, Counterclaimants, v. PERFEKT MARKETING, LLC, an Arizona limited liability company; JOHN DOES 1-5; XYZ CORP 1-5, Counterdefendants.	

IT IS HEREBY ORDERED entering judgment in favor of Plaintiff Perfekt Marketing, LLC and against Defendants Leonidas P. Flangas, Atlantis Concierge Services, LLC, and Diamond Destinations, LLC, jointly and severally, in the amount of $175,000.00 plus interest at the rate of 4.25% per annum. This judgment shall be non-dischargeable, to the extent of $100,000.00, in any proceeding under the United States Bankruptcy Code or other bankruptcy or insolvency law.

IT IS FURTHER ORDERED that, pursuant to the parties' settlement agreement, Defendants Leonidas P. Flangas, Atlantis Concierge Services, LLC, and Diamond Destinations, LLC shall turn over, or cause to be turned over, to Perfekt Marketing or its attorneys of record all ledgers and financial statements of Atlantis Concierge Services, LLC and Diamond Destinations, LLC within 10 days of the entry of this Judgment.

SIGNED this 5 day of ~~April~~ May, 2014.

The Honorable J. Richard Gama
Judge of the Superior Court

ORIGINAL of the foregoing
filed this same date with

Clerk of the Court
Maricopa County Superior Court

COPIES mailed this same date to:

Frank M. Fox
Nelson A. F. Mixon
The Cavanagh Law Firm, P.A.
1850 North Central Avenue, Suite 2400
Phoenix, Arizona 85004
Attorneys for Plaintiff

LAW OFFICES
THE CAVANAGH LAW FIRM, P.A.
1850 NORTH CENTRAL AVENUE, SUITE 2400
PHOENIX, ARIZONA 85004-4527
(602) 322-4000

K. Alan Holcomb
Holcomb Law Firm, PC
1334 East Chandler Boulevard, Suite 5 Box C-32
Phoenix, Arizona 85048
Attorney for Plaintiff

Elvin Garry Grundy, III
The Grundy Law Firm, PLLC
P.O. Box 90166
Phoenix, Arizona 85066
Attorney for Defendants

LAW OFFICES
THE CAVANAGH LAW FIRM, P.A.
1850 NORTH CENTRAL AVENUE, SUITE 2400
PHOENIX, ARIZONA 85004-4527
(602) 322-4000

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

STATE OF ARIZONA)
) ss. Cause Number:
COUNTY OF MARICOPA)

CV2012-002215

I, CHRIS DEROSE, the duly elected Clerk of the Superior Court of the State of Arizona, in and for the County of Maricopa, having official custody of the Court's records, do hereby certify and attest the foregoing to be a full, true and correct copy of the original:

JUDGMENT Filed 05/05/2014

on file and of record in my office, and that I have carefully compared the same with the original, all of which I have caused to be authenticated according to the act of Congress (28, USC, Sec. 1738) and the Arizona Rules of Evidence.

Chris DeRose

Clerk of the Superior Court

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

I, JANET E. BARTON, Presiding Judge of the Superior Court of the State of Arizona, in and for the County of Maricopa, do hereby certify that said Court is a Court of Record having a Clerk and Seal. That CHRIS DEROSE, who signed the foregoing certificate, is the duly elected Clerk of said Superior Court. That said signature is his authorized signature, and that all of his official acts, as such Clerk, are entitled to full faith and credit.

I further certify that said attestation is in due form of law.

IN WITNESS WHEREOF, I have hereunto set my hand in my official capacity as such Judge, and affixed the seal of said Court, this date:

12/06/2018

Janet E. Barton

Presiding Judge of the Superior Court

EXHIBIT 2

VERNON A. NELSON, JR., ESQ.
Nevada Bar No.: 6434
THE LAW OFFICE OF VERNON NELSON
9480 S. Eastern Ave., Ste. 252
Las Vegas, Nevada 89123
T: 702-476-2500 | F: 702-476-2788
vnelson@nelsonlawfirmlv.com
Attorneys for Perfekt Marketing LLC

DISTRICT COURT

COUNTY OF CLARK, STATE OF NEVADA

PERFEKT MARKETING L.L.C, an Arizona limited liability company, Plaintiff, v. LEONIDAS P. FLANGAS, an individual; ATLANTIS CONCIERGE SERVICES, LLC, a Nevada limited liability company ; DIAMOND DESTINATIONS, LLC, a Nevada limited liability company, Defendants.	Case No.: Dept No.:
LEONIDAS P. FLANGAS, an individual; ATLANTIS CONCIERGE SERVICES, LLC a Nevada limited liability company; DIAMOND DESTINATIONS, LLC a Nevada limited liability company, Counterclaimants, v. PERFEKT MARKETING, LLC, an Arizona limited liability company; JOHN DOES 1-5; XYZ CORP 1-5, Counterdefendants.	

AFFIDAVIT OF JUDGMENT

PLEASE TAKE NOTICE that a Judgment was entered on May 5, 2014, in the action entitled *Perfekt Marketing, LLC, an Arizona limited liability company v. Leonidas P. Flangas, et al.*, in the Superior Court of the State of Arizona in and for the County of Maricopa Case Number CV2012-

THE LAW OFFICE OF VERNON NELSON
ATTORNEY AT LAW

002215, in favor of Perfekt Marketing (hereinafter "Judgment Creditor") located at 3015 South 48th Street, Tempe, Arizona 85282 and against LEONIDAS P. FLANGAS ("Judgment Debtor") located at 3245 South Tioga Way, Las Vegas, Nevada 89117.

The foreign judgment that is attached to the Application of Foreign Judgment is valid and enforceable and was entered in the amount $175,000.00 plus interest at the rate of 4.25% per annum.

As of the date of this Affidavit $39,012.00 of the foreign judgment has been satisfied and the amount of $168,104.75, plus interest at the maximum legal rate and allowable costs remains due and owing from the Judgment Debtor.

DATED this 4th day of February, 2019.

THE LAW OFFICE OF VERNON NELSON

By: *<u>/s/ Vernon A. Nelson, Jr., Esq.</u>*
VERNON A. NELSON, JR., ESQ.
Nevada Bar No.: 6434
9480 S. Eastern Ave., Ste. 252
Las Vegas, Nevada 89123
Attorneys for Perfekt Marketing LLC

EXHIBIT 2

VERNON A. NELSON, JR., ESQ.
Nevada Bar No.: 6434
THE LAW OFFICE OF VERNON NELSON
9480 S. Eastern Ave., Ste. 252
Las Vegas, Nevada 89123
T: 702-476-2500 | F: 702-476-2788
vnelson@nelsonlawfirmlv.com
Attorneys for Perfekt Marketing LLC

DISTRICT COURT

COUNTY OF CLARK, STATE OF NEVADA

PERFEKT MARKETING L.L.C, an Arizona limited liability company, Plaintiff, v. LEONIDAS P. FLANGAS, an individual; ATLANTIS CONCIERGE SERVICES, LLC, a Nevada limited liability company ; DIAMOND DESTINATIONS, LLC, a Nevada limited liability company, Defendants.	Case No.: Dept No.:
LEONIDAS P. FLANGAS, an individual; ATLANTIS CONCIERGE SERVICES, LLC a Nevada limited liability company; DIAMOND DESTINATIONS, LLC a Nevada limited liability company, Counterclaimants, v. PERFEKT MARKETING, LLC, an Arizona limited liability company; JOHN DOES 1-5; XYZ CORP 1-5, Counterdefendants.	

AFFIDAVIT OF JUDGMENT

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THE LAW OFFICE OF VERNON NELSON
ATTORNEY AT LAW

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DATED this 4th day of February, 2019.

THE LAW OFFICE OF VERNON NELSON

By: */s/ Vernon A. Nelson, Jr., Esq.*
VERNON A. NELSON, JR., ESQ.
Nevada Bar No.: 6434
9480 S. Eastern Ave., Ste. 252
Las Vegas, Nevada 89123
Attorneys for Perfekt Marketing LLC

EXHIBIT “3”

Electronically Filed
2/6/2019 4:05 PM
Steven D. Grierson
CLERK OF THE COURT

AOS
VERNON A. NELSON, JR., ESQ.
Nevada Bar No.: 6434
THE LAW OFFICE OF VERNON NELSON
9480 S. Eastern Ave., Ste. 252
Las Vegas, Nevada 89123
T: 702-476-2500 | F: 702-476-2788
E-Mail: vnelson@nelsonlawfirmlv.com
Attorneys for Perfekt Marketing LLC

DISTRICT COURT

COUNTY OF CLARK, STATE OF NEVADA

PERFEKT MARKETING L.L.C, an Arizona limited liability company, Plaintiff, v. LEONIDAS P. FLANGAS, an individual; ATLANTIS CONCIERGE SERVICES, LLC, a Nevada limited liability company; DIAMOND DESTINATIONS, LLC, a Nevada limited liability company, Defendants.	Case No.: A-19-788870-F Dept No.: IX **AFFIDAVIT OF SERVICE OF NOTICE OF FILING APPLICATION OF FOREIGN JUDGMENT AND AFFIDAVIT OF JUDGMENT**
LEONIDAS P. FLANGAS, an individual; ATLANTIS CONCIERGE SERVICES, LLC a Nevada limited liability company; DIAMOND DESTINATIONS, LLC a Nevada limited liability company, Counterclaimants, v. PERFEKT MARKETING, LLC, an Arizona limited liability company; JOHN DOES 1-5; XYZ CORP 1-5, Counterdefendants.	

THE LAW OFFICE OF VERNON NELSON
ATTORNEY AT LAW

AFFIDAVIT OF SERVICE OF NOTICE OF FILING APPLICATION OF FOREIGN JUDGMENT AND AFFIDAVIT OF JUDGMENT

I, Coreene Drose, declare:

I am over the age of eighteen (18) years and not a party to the within entitled action. I am employed by The Law Office of Vernon Nelson, PLLC, 9480 S. Eastern Avenue, Suite 252, Las Vegas, Nevada 89123. I am readily familiar with The Law Office of Vernon Nelson, PLLC's practice for collection and processing of documents for delivery by way of the service indicated below.

I certify that on the 6th day of February, 2019, a copy of the Notice of Filing Application of Foreign Judgment and Affidavit of Judgment was served by placing said document(s) in an envelope or package for collection and mailing Certified mail, return receipt requested, addressed to the person(s) at the address(es) listed below, following our ordinary business practices. I am readily familiar with the firm's practice for collection and processing of mail. Under that practice, on the same day that mail is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service, in a sealed envelope or package with the postage fully prepaid to:

Leo P. Flangas
3245 South Tioga Way,
Las Vegas, Nevada 89117

The Grundy Law Firm, PLLC
PO BOX 90166
Phoenix, AZ 85066
Attorneys for Defendant, Leonidas P. Flangas

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

DATED this 6th day of February, 2019.

/s/ Coreene Drose
An Employee of
THE LAW OFFICE OF VERNON NELSON

EXHIBIT “4”

Electronically Filed
6/12/2019 1:55 PM
Steven D. Grierson
CLERK OF THE COURT

AFFIDAVIT OF SERVICE

Case: A-19-788870-F	Court: DISTRICT COURT COUNTY OF CLARK, STATE OF NEVADA	County: Clark	Job: 3439677 (PS19009[illegible])
Plaintiff / Petitioner: PERFEKT MARKETING L.L.C, an Arizona limited liability company,		**Defendant / Respondent:** LEONIDAS P. FLANGAS, an individual; ATLANTIS CONCIERGE SERVICES, LLC, a Nevada limited liability company; DIAMOND DESTINATIONS, LLC, a Nevada limited liability company,	
Received by: Elite Investigations on May 28, 2019		**For:** The Law Office of Vernon Nelson	
To be served upon: Leonidas Flangas			

I, Shayla Whitaker, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents and informed said person of the contents herein

Recipient Name / Address: Leonidas Flangas, 600 South 3rd Street, Las Vegas, Nevada 89101

Manner of Service: Personal/Individual, June 6, 2019, 8:00 am PDT

Documents: NOTICE OF FILING APPLICATION OF FOREIGN JUDGMENT AND AFFIDAVIT OF JUDGMENT

Additional Comments:
1) Successful Attempt: June 6, 2019, 8:00 am PDT at 600 South 3rd Street, Las Vegas, Nevada 89101; received by Leonidas Flangas. Age: 50; Gender: Male; Weight: 150; Height: 5'9"; Hair: Bald; Other: Leonidas Flangas was nicely dressed in slacks and a white button up shirt. At approximately 8:00 a.m., the Affiant arrived at Flangas Law Firm, which is located at 600 South 3rd Street, Las Vegas, Nevada 89101. Leonidas Flangas' 2008 Mercedes was not in the parking lot at that time, so the Affiant parked and waited for him to arrive. At approximately 8:50 a.m., Leonidas Flangas pulled up in his black 2008 Mercedes and parked in the lot behind the Law Firm. Once he got out of his vehicle, he was served with the provided documents.

Shayla Whitaker — Date: 6/6/19
873

Elite Investigations
7435 S. Eastern Avenue #5-284
Las Vegas, NV 89123
702-897-8473

State of Nevada

County of Clark
Subscribed and sworn to before me by the affiant who is personally known to me.

Notary Public in and for said county and state

Date: 6/06/2019 — Commission Expires: 11/4/22

HANNAH LEWIS
Notary Public-State of Nevada
APPT. NO. 18-3956-1
My Appt. Expires 11-04-2022

EXHIBIT “5”

Electronically Filed
7/9/2019 10:27 AM
Steven D. Grierson
CLERK OF THE COURT

MOT
IAN CHRISTOPHERSON, ESQ.
Nevada Bar No. 3701
600 South Third Street
Las Vegas, NV 89101
Email: iclaw44@gmail.com
Telephone: (702) 372-9649
Attorneys for Defendant, Leonidas P. Flangas

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

PERFEKT MARKETING L.L.C, an Arizona limited liability company, Plaintiff, v. LEONIDAS P. FLANGAS, an individual; ATLANTIS CONCIERGE SERVICES, LLC, a Nevada limited liability company; DIAMOND DESTINATIONS, LLC, a Nevada limited liability company, Defendants.	Case No.: A-19-788870-F Dept. No.: VIII
LEONIDAS P. FLANGAS, an individual; ATLANTIS CONCIERGE SERVICES, LLC a Nevada limited liability company; DIAMOND DESTINATIONS, LLC a Nevada limited liability company, Counterclaimants, v. PERFEKT MARKETING, LLC, an Arizona limited liability company; JOHN DOES 1-5; XYZ CORP 1-5, Counterdefendants.	Hearing Date: Hearing Time: **(Hearing Date and Time Requested)**

MOTION TO STRIKE OR RELIEF FROM VOID JUDGMENT

Defendant, Leonidas P. Flangas by and his counsel of record, Ian Christopherson, Esq.

hereby file this Motion to strike or Relief from Plaintiff's Void Judgment .

Perfekt Marketing, LLC (hereinafter "Perfekt" or Plaintiff) is trying to domesticate and collect a void judgment as the time for collection has passed and they failed to properly renew the Judgment obtained on May 5, 2014 (the "Judgment") in the original action commenced in Arizona, *Perfekt Marketing, LLC v. Leonidas Flangas, et al.*, Superior Court, Maricopa County, State of Arizona, Case No. CV2012-002215 (the "Arizona action"). It being over five years from the time that the Judgment was entered, Perfekt can no longer collect upon the Judgment or domesticate it in Nevada.

The Motion should be granted and the Judgment stricken as void, any judgment liens recorded with the Clark County Recorder or elsewhere also deemed void and expunged, Perfekt also should be prevented from scheduling any unlawful judgment debtors examination, serving garnishments or other actions ordinarily permitted to enforce lawful judgments.

This Motion is made and based upon all the records and pleadings on file herein, the Declarations of Leonidas Flangas, all documents filed in his matter, any arguments which this Court may entertain as well as the points and authorities attached hereto.

Dated this 8th day of July 2019.

By: /s/ Ian Christopherson
IAN CHRISTOPHERSON, ESQ.
Nevada Bar No. 3701
Attorneys for Defendant, Leonidas P. Flangas

DECLARATION OF LEONIDAS FLANGAS IN SUPPORT OF MOTION

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

Declarant, being first duly sworn on oath, states as follows:

1. Declarant is the Defendant/Counter-Defendant in this matter; as such I have personal knowledge of the facts and competent to testify herein.

2. On May 5, 2014 the Judgment was entered in the former Arizona action. A true and correct copy of the Judgment is included herein as Exhibit A and attached to the Notice of Filing Application for Foreign Judgment and Affidavit of Judgment, Exhibit 1 at Exhibit 1, Judgment dated May 5, 2014.

4. Under Arizona statute the Judgment would only be collectible for five years, and the affidavit of renewal must be filed 90 days prior to five-year expiration. A.R.S. § 12–1612(B).

5. Perfekt did not renew the Judgment by filing an affidavit of renewal 90 days prior to the five-year period. The Judgment is void.

Pursuant to NRS 53.045 "I declare under penalty of perjury that the foregoing is true and correct.

Dated this 8th day of July 2019.

/s/ Leonidas Flangas
Leonidas Flangas

MEMORANDUM OF POINTS AND AUTHORITIES

I.

BRIEF STATEMENT OF FACTS

On May 5, 2014 the Judgment was entered in the former Arizona action. Exhibit A, Notice of Filing Application for Foreign Judgment and Affidavit of Judgment, Exhibit 1 at Exhibit 1, Judgment dated May 5, 2014.

This was consistent with Arizona statutes providing the Judgment would only be enforceable for five years, and the affidavit of renewal must be filed 90 days prior to five-year expiration. A.R.S. § 12–1612(B). Perfekt did not renew the Judgment by filing an affidavit of renewal 90 days prior to the five-year period. The Judgment expired and is void.

Under Nevada law the domestication did not occur, nor was notice to Flangas provided before the underlying judgement expired. The Uniform Foreign judgements Act does not allow or provide that void or expired judgements be domesticated and thus avoid the originating jurisdictions law.

II.

LEGAL ARGUMENT

A. The Judgment Should Be Deemed Void and Set Aside because the Judgment was not renewed in Accordance with Arizona Statute.

Nevada recognizes that due process applies to domestications of foreign judgments. The service of the instant action and due process notice was delayed past the five year limitation on renewal in Arizona, and the judgement lapsed before service on Flangas,. There is no evidence of a valid judgement which now can be domesticated.

Due process does not allow an Arizona judgement be domesticated in Nevada prior to notice to defendant. By the time the domestication was filed on February 5, the judgement was

due to and did expire as a matter of law in Arizona on May 5, 2019. Service was not effectuated on Flangas until on month after the judgment lapsed. Full faith and credit commands Nevada to honor the failure to renew the Arizona judgement timely and strike the domestication of the lapsed judgement in Nevada,

There is no reasonable argument that disputes that the Judgment is now void and should be set aside, stricken, and any liens released. A judgment or order may be set aside or vacated pursuant to NRCP 60(b) if the judgment is void, been released or any other reason that justifies relief. A motion seeking relief based on these prerequisites is not confined to a six-month deadline for seeking relief. *Id.* Furthermore, the district court is also required to consider the underlying public policy of deciding a case on the merits whenever possible. *Yochum v. Davis,* 98 Nev. 484, 487, 653 P.2d 1215, 1217 (1982) ("[T]he court must give due consideration to the state's underlying basic policy of resolving cases on their merits wherever possible").

As described below the Judgment was not renewed in accordance with Arizona Statute and in accordance with interpretation of the Arizona courts of review. As the facts and law are incontrovertible, this Motion must be granted.[1]

---

[1] As described by the Nevada Supreme Court a domesticated judgment may be attacked for lack of due process or lack of jurisdiction:

> The full faith and credit clause of the United States Constitution requires that a final judgment entered in a sister state must be respected by the courts of this state absent a showing of fraud, lack of due process or lack of jurisdiction in the rendering state. *See* U.S. Const., art. IV, § 1; *Morris v. Jones,* 329 U.S. 545, 551, 67 S.Ct. 451, 455, 91 L.Ed. 488 (1947); **232 *Phares v. Nutter,* 125 Ariz. 291, 609 P.2d 561 (1980); *MILLER V. ELOIE FARMs, inc.,* 128 ARIZ. 269, 625 p.2D 332 (app.1980); *Data Management Systems, Inc. v. EDP Corp.,* 709 P.2d 377 (Utah 1985). Consequently, the defenses preserved by Nevada's Uniform Enforcement of Foreign Judgments Act and available under NRCP 60(b) are limited to those defenses that a judgment debtor may constitutionally raise under the full faith and credit clause and which are directed to the validity of the foreign judgment. *See Data Management Systems, Inc. v. EDP Corp., supra; Miller v. Eloie Farms, Inc., supra; cf. Farnham v. Farnham,* 80 Nev. 180, 391 P.2d 26 (1964) (district court's refusal to enforce foreign money judgment was improper

1. The Judgment Is Void as The Parties Only Agreed to a Five-Year Period of Collection, Which is Now Expired.

Much like in Nevada, Arizona courts have held that parties can set their own statute of limitations or collection periods:

> Notwithstanding any general rule of accrual, the parties may agree on notice or cure periods that as a practical matter will toll the accrual of a claim for breach of the guaranty until some point after a breach of the underlying obligation. *See Provident Nat'l Assurance Co. v. Sbrocca,* 180 Ariz. 464, 466, 885 P.2d 152, 154 (App.1994) ("The nature and extent of a guarantor's liability depends upon the terms of the contract."); *United States v. Gottlieb,* 948 F.2d 1128, 1129–30 (9th Cir.1991) (when guaranty required written demand for performance, claim for breach did not accrue until after demand was made); *United States v. Brown,* 833 F.Supp. 625, 629 (E.D.Mich.1993); 38 Am.Jur.2d *Guaranty* § 96 (2014). *But see Henry's Drive–in, Inc. v. Pappas,* 264 Md. 422, 287 A.2d 35, 38 (1972) (limitations begins to run when plaintiff could have made demand for performance).

Mill Alley Partners v. Wallace, 236 Ariz. 420, 424, 341 P.3d 462, 466 (Ct. App. 2014), as amended on reconsideration (Mar. 17, 2015). [Emphasis added].

Being that the parties in this matter agreed to a five-year collection period, the ongoing collection efforts are void.

2. The Judgment Was Not Timely Renewed - Failing Strict Compliance with Arizona Statute.

The Judgment claimed by Perfekt is void as it was not properly renewed. In *Harle v. Williams*, 246 Ariz. 330, 438 P.3d 699 (Ct. App. 2019) (a case decided in March 2019 which analyzed a judgment obtained in 2011) that Court determined that an improperly renewed judgment was void after five years:

> where foreign judgment was not challenged on grounds of fraud or lack of jurisdiction and where there was no merit to the debtor's due process challenge)

Rosenstein v. Steele, 103 Nev. 571, 573, 747 P.2d 230, 231–32 (1987).

The Judgment is invalid as this Court does not have jurisdiction to enforce a judgment that would not be recognized as valid from the original jurisdiction. *See Id.*

> At the relevant time[2], A.R.S. § 12–1551(B) prohibited the issuance of writs of execution or other process on a judgment "after the expiration of five years from the date of its entry unless the judgment is renewed by affidavit or process pursuant to § 12–1612 or an action is brought on it within five years from the date of the entry of the judgment or of its renewal."

Harle, 438 P.3d at 701.

"Thus, a judgment becomes unenforceable if not renewed within the statutory time. *J.C. Penney v. Lane*, 197 Ariz. 113, 118 ¶ 24, 3 P.3d 1033, 1038 (App. 1999)." *Harle*, 438 P.3d at 701.

Similar to Nevada[3], in Arizona, "judgments may be renewed either by action within five years after the date of the judgment under A.R.S. § 12–1611 (2010) or by affidavit pursuant to § 12–1612(B). If the judgment creditor proceeds by filing an affidavit, it must be filed 'within ninety days preceding the expiration of five years from the date of entry of such judgment.'" *Cristall v. Cristall*, 225 Ariz. 591, 594, 242 P.3d 1060, 1063 (Ct. App. 2010). A.R.S. § 12–1612(B) states, "An execution or other process shall not be issued upon a judgment after the expiration of five years from the date of its entry unless the judgment is renewed by affidavit ... or an action is brought on it within five years from the date of the entry of the judgment or of its renewal." *Id.*, cited by *Cristall*, 242 P.3d at 1063.

---

[2] Just as in this case, the Judgment was obtained in 2011. The *Harle Court* analyzed the applicable statute at the time that judgment was obtained. This Court should likewise perform the same analysis and use the former statute which was used at the time in 2011:

> At the time of the parties' litigation, the limitations period set forth in the statutes was five years. The Legislature has since amended A.R.S. §§ 12–1551 and 12–1612 to increase the limitations period to ten years. 2018 Ariz. Sess. Laws, ch. 36, § 1 (2d Reg. Sess.).

Harle v. Williams, 438 P.3d at 701.

[3] Nevada, which has also adopted the Uniform Enforcement of Foreign Judgments Act, similarly identifies that renewals of judgment must be made by affidavit 90 days prior to the expiration of the limitations period by, "Filing an affidavit with the clerk of the court where the judgment is entered and docketed, within 90 days before the date the judgment expires by limitation." NRS 17.214.

Perfekt did not file a timely renewal of the May 2014 Judgment, and it is unenforceable.[4] *See Harle*, 438 P.3d at 701, A.R.S. §§ 12–1611, 12-1612 (2010); *Cristall*, 242 P.3d at 1063. Perfekt is not permitted to further any efforts of "execution or other [related] process..." to enforce or collect upon this void Judgment. *See* A.R.S. §§ 12–1611, 12-1612(B), cited by *Cristall*, 242 P.3d at 1063.[5]

III.

CONCLUSION

Wherefore based on the foregoing it is respectfully that this Court grant this Motion in its entirety, by voiding the Judgment, compelling the release of any claimed liens and any other relief which may be appropriate under the circumstances.

Dated this 8th day of July 2019.

By: /s/ Ian Christopherson
IAN CHRISTOPHERSON, ESQ.
Nevada Bar No. 3701
Attorneys for Defendant, Leonidas P. Flangas

---

[4] As the Judgment is unenforceable, Defendant should be protected from any unlawful efforts to collect upon the same.

[5] The Nevada Supreme Court has held that the statutes related to renewal of judgments demand strict compliance. NRS 17.214; *Leven v. Frey*, 123 Nev. 399, 168 P.3d 712, 719, (2007) (providing that the Nevada Supreme Court's "interpretation of the statute's [NRS17.214] timing requirements and our conclusion that those requirements must be complied with strictly, is consistent with the general tenet that 'time and manner' requirements are strictly construed, whereas substantial compliance may be sufficient for 'form and content' requirements.").

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of July 2019, I served a copy of the foregoing **MOTION TO STRIKE OR RELIEF FROM VOID JUDGMENT** upon each of the following persons via the Odyssey E-Filing System pursuant to NRCP 5(b)(2)(D) and EDCR 8.05:

Master Calendering mail@nelsonlawfirmlv.com
Vernon Nelson vnelson@nelsonlawfirmlv.com
Allicia B Tomolo atomolo@nelsonlawfirmlv.com

Dated this 8th day of July 2019.

/s/ Ian Christopherson
Ian Christopherson, Esq.

EXHIBIT “6”

Electronically Filed
7/23/2019 4:20 PM
Steven D. Grierson
CLERK OF THE COURT

OPPS
VERNON A. NELSON, JR., ESQ.
Nevada Bar No.: 6434
THE LAW OFFICE OF VERNON NELSON
6787 W. Tropicana Ave., Ste. 103
Las Vegas, NV 89103
T: 702-476-2500 | F: 702-476-2788
vnelson@nelsonlawfirmlv.com
Attorneys for Perfekt Marketing LLC

DISTRICT COURT

COUNTY OF CLARK, STATE OF NEVADA

PERFEKT MARKETING L.L.C, an Arizona limited liability company, Plaintiff, v. LEONIDAS P. FLANGAS, an individual; ATLANTIS CONCIERGE SERVICES, LLC, a Nevada limited liability company; DIAMOND DESTINATIONS, LLC, a Nevada limited liability company, Defendants.	Case No.: A-19-788870-F Dept No.: VIII **OPPOSITION TO DEFENDANT'S MOTION TO STRIKE OR RELIEF FROM VOID JUDGMENT**
LEONIDAS P. FLANGAS, an individual; ATLANTIS CONCIERGE SERVICES, LLC a Nevada limited liability company; DIAMOND DESTINATIONS, LLC a Nevada limited liability company, Counterclaimants, v. PERFEKT MARKETING, LLC, an Arizona limited liability company; JOHN DOES 1-5 ; XYZ CORP 1-5, Counterdefendants.	

COMES NOW Plaintiff, PERFEKT MARKETING, LLC ("Perfekt" or "Plaintiff"), by and through its counsel, The Law Office of Vernon Nelson, and files this Opposition to Defendant LEONIDAS P. FLANGAS's ("Flangas") Motion to Strike or Relief from Void Judgment. This Opposition is based upon the pleadings and papers on file herein, the attached Points and

THE LAW OFFICE OF VERNON NELSON
ATTORNEY AT LAW

Authorities, the exhibits attached hereto, and any oral argument by counsel that may be presented at a hearing on this matter.

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION AND RELEVANT PROCEDURAL HISTORY

On May 5, 2014 a judgment was entered against Flangas in Maricopa County, Arizona in *Perfekt Marketing, LLC v. Leionidas P. Flangas, et al.*, Case No.: CV2012-002215. Although defendants in this case made payments against the judgment amount in the years following the judgment order, the judgment has not been satisfied. Given the outstanding judgment balance, Perfekt retained counsel to domesticate the valid Arizona judgment to Nevada, the state of Flangas' domicile.

On February 5, 2019 Plaintiff concurrently lodged with this honorable court an Application of Foreign Judgment ("Application") and a Notice of Filing Application of Foreign Judgment and Affidavit of Judgment ("Notice"). The Application was filed on February 5, 2019 and the Notice was filed on February 6, 2019.

Plaintiff mailed Notice via United States Postal Service ("USPS") Certified Mail to Flangas and Flangas' Arizona counsel. Flangas' Arizona counsel was served with the Notice on February 11, 2019. However, Plaintiff was not able to serve Flangas with the Notice via USPS Certified Mail. Plaintiff made further attempts to serve the Notice by retaining a licensed process server. After months of delay while attempting service, service of the Notice was eventually effectuated on Flangas on June 6, 2019.

Flangas has filed his instant motion on the basis that the Arizona judgment was expired and that delayed service of the Notice should prevent Plaintiff's Application from acting as a valid entry of judgment in Nevada. Plaintiff opposes his motion on the basis that the underlying Arizona judgment was valid at the time the Application was filed with this honorable court and that the delayed service of the Notice has no bearing on the validity of the Nevada judgment. As a result, the judgment must remain and Defendant's Motion to Strike and for Relief, must be denied.

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II. LEGAL ARGUMENT

A. PLAINTIFF'S APPLICATION FOR ENTRY OF FOREIGN JUDGMENT IS VALID AND MUST REMAIN.

1. Filing Date of Application of Foreign Judgment is the Effective Date of the Nevada Judgment.

NRS §17.350 provides that "An exemplified copy of any foreign judgment may be ***filed*** with the clerk of any district court of this state. The clerk shall treat the foreign judgment in the same manner as a judgment of the district court of this state. A judgment so ***filed*** has the same effect and is subject to the same procedures, defenses and proceedings for reopening, vacating or staying as a judgment of a district court of this state and may be enforced or satisfied in like manner". Emphasis added.

Further, the Nevada Supreme Court in *Trubenbach v. Amstadter*, 849 P.2d 288, 290 (1993) held that "...when a party ***files*** a valid foreign judgment in Nevada, it constitutes a new action for the purposes of the statute of limitations..." Emphasis added. In *Trubenbach*, the question presented was what is the point at which the statute of limitations period starts to run on a foreign judgment. The court concluded the operative date for the entry of the foreign judgment was the "date on which a valid foreign judgment is ***registered*** in Nevada." *Id* at 289.

In determining this holding, the Court considered NRS §17.350 and three cases from sister states examining the Uniform Enforcement of Foreign Judgments Act ("UEFJA"). Each case found that the ***filing date*** of the foreign judgment was the effective date of the judgment. The Court's discussion of this issue was void of any discussion of service of notice of foreign judgment on the judgment debtor. (See *Pan Energy v. Martin*, 813 P.2d 1142 (Utah 1991), the Utah Supreme Court held that "...the filing of a foreign judgment under the Utah Foreign Judgment Act creates a new Utah judgment..." See *Producers Grain Corporation v. Carroll*, 546 P.2d 285 (Okla.Ct.App.1976) citing a statute similar to NRS 17.350 and holding that "...under this provision the mere act of filing, in substance, transfers the properly authenticated foreign judgment into an Oklahoma judgment." See *Hunter Technology, Inc. v. Scott*, 701 P.2d 645 (Colo.Ct.App.1985) "The Colorado Court of Appeals held that the mere filing of a valid foreign judgment creates a judgment in the sister state.")

Here, based on the *Trubenbach* holding and the factors considered in that case, the Plaintiff's Application in Nevada was filed on February 5, 2019 (See Application of Foreign Judgment attached hereto as Exhibit#1), Plaintiff's Notice was filed on February 6, 2019 (See Notice of Filing Application of Foreign Judgment and Affidavit on Judgment attached hereto as Exhibit #2) and the Register of Actions for this case reflects a judgment entered on February 5, 2019 (See print out from Clark County Court website, Register of Actions for case A788870 attached hereto as Exhibit #3). The judgment was entered on February 5, 2019 constituted a new action and cannot be disturbed by any subsequent expiration of the Arizona judgment.

2. Renewal of the Arizona Judgment was Not Required Because the Application was Filed in Nevada Prior to Expiration of the Arizona Judgment.

It is Defendant's position that the Arizona judgment expired after a period of five years on approximately May 5, 2019. In his moving paper's Defendant asserts that "...the parties in this matter agreed to a five-year collection period..."(See Defendant's Motion to Strike 6:14). However, Defendant does not provide or cite to any evidence of the alleged agreement by the parties to the five-year collection period that is argued. Assuming arguendo that the limitations period for the enforcement period of the Arizona judgment was five years as Defendant argues it to be, the Nevada judgment was filed in this honorable court prior to the expiration of the alleged five year period on May 5, 2019, resulting in a valid judgment in Nevada.

Absent an affirmative showing of the alleged five year enforcement agreement on the record, the statutory time period for allowable judgment enforcement is controlling. The Arizona judgment is subject to enforcement for a period of 10 years. A.R.S. §12-1551 holds that "The party in whose favor a judgment is given, at any time within ***ten years*** after entry of the judgment and within ten years after any renewal of the judgment either by affidavit or by an action brought on it, may have a writ of execution or other process issued for its enforcement." Emphasis added.

Defendant failed to acknowledge in his moving papers, that while the former A.R.S. §12-1551 limited a period of judgment enforcement to five years, the statute was amended to expand the allowable judgment enforcement period in Arizona to ten years. This amendment as cited above in A.R.S. §12-1551, went into effect on August 3, 2018. The Supreme Court of Arizona has issued a

memorandum to various courts in that jurisdiction that asserts "Judgment entered or renewed on or after August 2, 2013, are subject to the new legislation..."(See Supreme Court of Arizona Memorandum dated July 10, 2018 attached hereto as Exhibit #4). Further, A.R.S. §12-505(B) titled "Effect of Statute Changing Limitation" states "If an action is not barred by pre-existing law, the time fixed in an amendment of such law shall govern the limitation of the action." This statute combined with the Supreme Court Memorandum, suggests that a judgment, if not yet expired at the effective date of the amendment, will be governed by the amended statute.

Here, it is Plaintiff's position that the Arizona judgment was entered on May 5, 2014 was properly filed and entered as a foreign judgment in Nevada courts prior to May 5, 2019 and in the alternative, that the Arizona judgment has an expanded enforcement period of ten years based on the amendment of A.R.S. §12-1551 and does not expire until May 2024. Plaintiff was not required to renew the Arizona judgment prior to filing its Application with Nevada courts.

3. Service of Notice Only Effects Waiting Period for Enforcement of Judgment.

NRS §17.360(2) holds that "Promptly upon filing the foreign judgment and affidavit, the judgment creditor or someone on behalf of the judgment creditor shall mail notice of the filing of the judgment and affidavit, attaching a copy of each to the notice, to the ***judgment debtor and to the judgment debtor's attorney of record***, if any, each at his or her last known address by ***certified mail, return receipt requested***..." Emphasis added.

NRS §17.360(3) holds that "No execution or other process for enforcement of a foreign judgment may issue until 30 days after the date of mailing the notice of filing."

Defendant argues that "Due Process does not allow an Arizona judgment to be domesticated in Nevada prior to notice to defendant" (See Defendant's Motion, 4:26-27) and "...service of the instant action and due process notice was delayed past the five-year limitation on renewal in Arizona, and the judgment lapsed before service on Flangas."(See Defendant's Motion, 4:22-24).

Defendant misapplies the notice required in NRS §17.360(2) as applicable to the operative judgment date, when in fact the notice is controlling only as to judgment creditor's ability to begin enforcement proceedings as detailed in NRS §17.360(3). It is however important to note that

Plaintiff asserts and Defendant concedes that Defendant has been served with the Notice as required by Nevada statute.

Here, on February 6, 2019 Plaintiff mailed Notice via United States Postal Service ("USPS") Certified Mail to Flangas at his last known address and Flangas' Arizona counsel (See Notice of Filing Application of Foreign Judgment and Affidavit of Judgment, specifically Proof of Service, attached hereto as Exhibit #2), as found on the Maricopa County Court website (See print out of Maricopa County Court website, Case History for CV 2012-002215, specifically Attorney name column, attached hereto as Exhibit #5).

Flangas' Arizona counsel was served with the Notice on February 11, 2019 (See print out from USPS website confirming delivery of Certified Mailing ending in 7808 in Phoenix, Arizona, attached hereto as Exhibit #6). Plaintiff was not able to serve Flangas with the Notice as USPS confirmed that delivery attempts were made and the letter was held for the required number of days but was ultimately returned as "Unclaimed/Being Returned to Sender" on February 28, 2019 (EX CITE). In a further attempt to serve Flangas with the Notice, Plaintiff retained a licensed process server to deliver the notice to Flangas' last known address on March 16, 2019. Service was unsuccessful (See Affidavit from Legal Wings attached hereto as Exhibit #7). Next, Plaintiff retained a licensed process server that would wait outside of Flangas' place of business in an attempt to serve the Notice. Service of the Notice was eventually effectuated on Flangas on June 6, 2019 (See Affidavit of Service from Elite Investigations attached hereto as Exhibit #8).

It is Plaintiff's position that NRS 17.360(2) and (3) are silent as to service of the Notice causing a delay in operative date of the entry of a foreign judgment. Plaintiff is adamant that delayed service simply delayed its expeditious enforcement of the valid Nevada judgment and has no bearing on the validity of the entry of judgment. In addition, If Defendant were to be successful in this argument it would prejudice Plaintiff, in that, Defendant appears to have been avoiding service by refusing to claim the certified mail and respond to service attempts at his home and is now trying to use the inability to render service to his benefit. Had Defendant claimed the certified mailing or responded to service attempts at his home, he likely would have been served with Notice prior to May 5, 2019.

Lastly, Plaintiff believes that Defendant's argument is further flawed based on the ten-year enforcement period of an Arizona judgment pursuant to A.R.S. §12-1551 discussed above, as applied to the underlying Arizona judgment.

4. CONCLUSION

Plaintiff respectfully submits that Defendant has not shown any evidence or asserted any argument that the foreign judgment entered in Nevada on February 5, 2019 should be stricken by the court. Further Defendant has failed to assert why any relief from the judgment at issue should be granted. For all the foregoing reasons, Perfekt requests that Flangas' Motion to Strike and for Relief from Judgment be denied.

DATED this 23rd day of July, 2019

THE LAW OFFICE OF VERNON NELSON

By: */s/ Vernon A. Nelson, Esq.*

VERNON A. NELSON, JR., ESQ.
Nevada Bar No.: 6434
6787 W. Tropicana Ave., Ste. 103
Las Vegas, NV 89103
T: 702-476-2500 | F: 702-476-2788
vnelson@nelsonlawfirmlv.com
Attorneys for Perfekt Marketing LLC

PROOF OF SERVICE
Perfekt Marketing, LLC v. Flangas
Case No.: A-19-788870-F

I, Jennifer Martinez, declare:

I am over the age of eighteen (18) years and not a party to the within entitled action. I am employed by The Law Office of Vernon Nelson, PLLC, 6787 W. Tropicana Avenue, Suite 103, Las Vegas, Nevada 89103. I am readily familiar with The Law Office of Vernon Nelson, PLLC's practice for collection and processing of documents for delivery by way of the service indicated below.

On July 23,2019, I served the following document(s):

OPPOSITION TO DEFENDANT'S MOTION TO STRIKE OR RELIEF FROM VOID JUDGMENT

on the interested party(ies) in this action as follows:

Ian Christopherson, Esq.
Nevada Bar No.: 3701
600 South Third Street
Las Vegas, Nevada 89101
Email: iclaw44@gmail.com
Attorneys for Defendant, Leonidas P. Flangas

☐ **By Mail.** By placing said document(s) in an envelope or package for collection and mailing, addressed to the person(s) at the address(es) listed above, following our ordinary business practices. I am readily familiar with the firm's practice for collection and processing of mail. Under that practice, on the same day that mail is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service, in a sealed envelope or package with the postage fully prepaid.

X☐ **By Electronic Service.** Pursuant to Administrative Order 14-2 and Rule 9 of the NEFCR I caused said documents(s) to be transmitted to the person(s) identified in the E-Service List for this captioned case in Odyssey E-File & Serve of the Eighth Judicial District Court, County of Clark, State of Nevada. A service transmission report reported service as complete and a copy of the service transmission report will be maintained with the document(s) in this office.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

/s/ Jennifer Martinez
An Employee of THE LAW OFFICE OF VERNON NELSON

EXHIBIT 1

EXHIBIT 1

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Steven D. Grierson
CLERK OF THE COURT

FORJ
VERNON A. NELSON, JR., ESQ.
Nevada Bar No.: 6434
THE LAW OFFICE OF VERNON NELSON
9480 S. Eastern Ave., Ste. 252
Las Vegas, Nevada 89123
T: 702-476-2500 | F: 702-476-2788
E-mail: vnelson@nelsonlawfirmlv.com
Attorneys for Perfekt Marketing LLC

DISTRICT COURT

COUNTY OF CLARK, STATE OF NEVADA

PERFEKT MARKETING L.L.C, an Arizona limited liability company, Plaintiff, v. LEONIDAS P. FLANGAS, an individual; ATLANTIS CONCIERGE SERVICES, LLC, a Nevada limited liability company; DIAMOND DESTINATIONS, LLC, a Nevada limited liability company, Defendants.	Case No.: A-19-788870-F Dept No.: Department 9
LEONIDAS P. FLANGAS, an individual; ATLANTIS CONCIERGE SERVICES, LLC a Nevada limited liability company; DIAMOND DESTINATIONS, LLC a Nevada limited liability company, Counterclaimants, v. PERFEKT MARKETING, LLC, an Arizona limited liability company; JOHN DOES 1-5 ; XYZ CORP 1-5, Counterdefendants.	

APPLICATION OF FOREIGN JUDGMENT

COMES NOW Plaintiff, PERFEKT MARKETING LLC, by and through counsel, VERNON A. NELSON, JR., ESQ., of THE LAW FIRM OF VERNON NELSON, and hereby files its Foreign

THE LAW OFFICE OF VERNON NELSON
ATTORNEY AT LAW

Judgment pursuant to NRS 17, specifically NRS 17.350, and registers an exemplified copy of Judgment, incorporated by reference and attached hereto as ***Exhibit 1***, which states as follows:

Judgment from the Superior Court of Arizona, County of Maricopa, signed by the Clerk of the Superior Court, Michael K. Jeanes, and filed on May 5, 2014 in the amount $175,000.00 plus interest at the rate of 4.25% per annum against Defendants Leonidas P. Flangas, et. al.

The Judgment has been satisfied in the amount of $39,012 and the amount of $168,104.75, plus interest at the maximum legal rate and allowable costs remains due and owing (see Affidavit of Judgment incorporated and attached hereto as ***Exhibit 2***).

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

DATED this 1st day of February, 2019.

THE LAW OFFICE OF VERNON NELSON

By: *<u>/s/ Vernon A. Nelson, Jr., Esq.</u>*
VERNON A. NELSON, JR., ESQ.
Nevada Bar No.: 6434
9480 S. Eastern Ave., Ste. 252
Las Vegas, Nevada 89123
Attorneys for Perfekt Marketing LLC

EXHIBIT 1

FILED
MAY 05 2014 3:03 p.m.
MICHAEL K. JEANES, Clerk
By J. Polanco
J. Polanco, Deputy

THE CAVANAGH LAW FIRM
A Professional Association

1850 NORTH CENTRAL AVENUE
SUITE 2400
PHOENIX, ARIZONA 85004-4527
(602) 322-4000
edockel@cavanaghlaw.com

Frank M. Fox, SBN 10235
ffox@cavanaghlaw.com
Nelson A. F. Mixon, SBN 028882
nmixon@cavanaghlaw.com
Attorneys for Perfekt Marketing, LLC

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

PERFEKT MARKETING, LLC, an Arizona limited liability company, Plaintiff, v. LEONIDAS P. FLANGAS, an individual; ATLANTIS CONCIERGE SERVICES, LLC, a Nevada limited liability company; DIAMOND DESTINATIONS, LLC, a Nevada limited liability company, Defendants.	NO. CV2012-002215 **JUDGMENT** (Assigned to the Hon. J. Richard Gama)
LEONIDAS P. FLANGAS, an individual; ATLANTIS CONCIERGE SERVICES, LLC, a Nevada limited liability company; DIAMOND DESTINATIONS, LLC, a Nevada limited liability company, Counterclaimants, v. PERFEKT MARKETING, LLC, an Arizona limited liability company; JOHN DOES 1-5; XYZ CORP 1-5, Counterdefendants.	

IT IS HEREBY ORDERED entering judgment in favor of Plaintiff Perfekt Marketing, LLC and against Defendants Leonidas P. Flangas, Atlantis Concierge Services, LLC, and Diamond Destinations, LLC, jointly and severally, in the amount of $175,000.00 plus interest at the rate of 4.25% per annum. This judgment shall be non-dischargeable, to the extent of $100,000.00, in any proceeding under the United States Bankruptcy Code or other bankruptcy or insolvency law.

IT IS FURTHER ORDERED that, pursuant to the parties' settlement agreement, Defendants Leonidas P. Flangas, Atlantis Concierge Services, LLC, and Diamond Destinations, LLC shall turn over, or cause to be turned over, to Perfekt Marketing or its attorneys of record all ledgers and financial statements of Atlantis Concierge Services, LLC and Diamond Destinations, LLC within 10 days of the entry of this Judgment.

SIGNED this 5 day of ~~April~~ May 2014.

The Honorable J. Richard Gama
Judge of the Superior Court

ORIGINAL of the foregoing
filed this same date with

Clerk of the Court
Maricopa County Superior Court

COPIES mailed this same date to:

Frank M. Fox
Nelson A. F. Mixon
The Cavanagh Law Firm, P.A.
1850 North Central Avenue, Suite 2400
Phoenix, Arizona 85004
Attorneys for Plaintiff

LAW OFFICES
THE CAVANAGH LAW FIRM, P.A.
1850 NORTH CENTRAL AVENUE, SUITE 2400
PHOENIX, ARIZONA 85004-4527
(602) 322-4000

K. Alan Holcomb
Holcomb Law Firm, PC
1334 East Chandler Boulevard, Suite 5 Box C-32
Phoenix, Arizona 85048
Attorney for Plaintiff

Elvin Garry Grundy, III
The Grundy Law Firm, PLLC
P.O. Box 90166
Phoenix, Arizona 85066
Attorney for Defendants

LAW OFFICES
THE CAVANAGH LAW FIRM, P.A.
1850 NORTH CENTRAL AVENUE, SUITE 2400
PHOENIX, ARIZONA 85004-4527
(602) 322-4000

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

STATE OF ARIZONA)
) ss. Cause Number:
COUNTY OF MARICOPA)

CV2012-002215

I, CHRIS DEROSE, the duly elected Clerk of the Superior Court of the State of Arizona, in and for the County of Maricopa, having official custody of the Court's records, do hereby certify and attest the foregoing to be a full, true and correct copy of the original:

JUDGMENT Filed 05/05/2014

on file and of record in my office, and that I have carefully compared the same with the original, all of which I have caused to be authenticated according to the act of Congress (28, USC, Sec. 1738) and the Arizona Rules of Evidence.

Chris DeRose

Clerk of the Superior Court

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

I, JANET E. BARTON, Presiding Judge of the Superior Court of the State of Arizona, in and for the County of Maricopa, do hereby certify that said Court is a Court of Record having a Clerk and Seal. That CHRIS DEROSE, who signed the foregoing certificate, is the duly elected Clerk of said Superior Court. That said signature is his authorized signature, and that all of his official acts, as such Clerk, are entitled to full faith and credit.

I further certify that said attestation is in due form of law.

IN WITNESS WHEREOF, I have hereunto set my hand in my official capacity as such Judge, and affixed the seal of said Court, this date:

12/06/2018

Janet E. Barton

Presiding Judge of the Superior Court

EXHIBIT 2

VERNON A. NELSON, JR., ESQ.
Nevada Bar No.: 6434
THE LAW OFFICE OF VERNON NELSON
9480 S. Eastern Ave., Ste. 252
Las Vegas, Nevada 89123
T: 702-476-2500 | F: 702-476-2788
vnelson@nelsonlawfirmlv.com
Attorneys for Perfekt Marketing LLC

DISTRICT COURT

COUNTY OF CLARK, STATE OF NEVADA

PERFEKT MARKETING L.L.C, an Arizona limited liability company, Plaintiff, v. LEONIDAS P. FLANGAS, an individual; ATLANTIS CONCIERGE SERVICES, LLC, a Nevada limited liability company ; DIAMOND DESTINATIONS, LLC, a Nevada limited liability company, Defendants.	Case No.: Dept No.:
LEONIDAS P. FLANGAS, an individual; ATLANTIS CONCIERGE SERVICES, LLC a Nevada limited liability company; DIAMOND DESTINATIONS, LLC a Nevada limited liability company, Counterclaimants, v. PERFEKT MARKETING, LLC, an Arizona limited liability company; JOHN DOES 1-5; XYZ CORP 1-5, Counterdefendants.	

AFFIDAVIT OF JUDGMENT

PLEASE TAKE NOTICE that a Judgment was entered on May 5, 2014, in the action entitled *Perfekt Marketing, LLC, an Arizona limited liability company v. Leonidas P. Flangas, et al.*, in the Superior Court of the State of Arizona in and for the County of Maricopa Case Number CV2012-

THE LAW OFFICE OF VERNON NELSON
ATTORNEY AT LAW

002215, in favor of Perfekt Marketing (hereinafter "Judgment Creditor") located at 3015 South 48th Street, Tempe, Arizona 85282 and against LEONIDAS P. FLANGAS ("Judgment Debtor") located at 3245 South Tioga Way, Las Vegas, Nevada 89117.

The foreign judgment that is attached to the Application of Foreign Judgment is valid and enforceable and was entered in the amount $175,000.00 plus interest at the rate of 4.25% per annum.

As of the date of this Affidavit $39,012.00 of the foreign judgment has been satisfied and the amount of $168,104.75, plus interest at the maximum legal rate and allowable costs remains due and owing from the Judgment Debtor.

DATED this 4th day of February, 2019.

THE LAW OFFICE OF VERNON NELSON

By: */s/ Vernon A. Nelson, Jr., Esq.*
VERNON A. NELSON, JR., ESQ.
Nevada Bar No.: 6434
9480 S. Eastern Ave., Ste. 252
Las Vegas, Nevada 89123
Attorneys for Perfekt Marketing LLC

EXHIBIT 2

EXHIBIT 2

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Steven D. Grierson
CLERK OF THE COURT

NOTC
VERNON A. NELSON, JR., ESQ.
Nevada Bar No.: 6434
THE LAW OFFICE OF VERNON NELSON
9480 S. Eastern Ave., Ste. 252
Las Vegas, Nevada 89123
T: 702-476-2500 | F: 702-476-2788
E-Mail: vnelson@nelsonlawfirmlv.com
Attorneys for Perfekt Marketing LLC

DISTRICT COURT

COUNTY OF CLARK, STATE OF NEVADA

PERFEKT MARKETING L.L.C, an Arizona limited liability company, Plaintiff, v. LEONIDAS P. FLANGAS, an individual; ATLANTIS CONCIERGE SERVICES, LLC, a Nevada limited liability company; DIAMOND DESTINATIONS, LLC, a Nevada limited liability company, Defendants.	Case No.: A-19-788870-F Dept No.: IX **NOTICE OF FILING APPLICATION OF FOREIGN JUDGMENT AND AFFIDAVIT OF JUDGMENT**
LEONIDAS P. FLANGAS, an individual; ATLANTIS CONCIERGE SERVICES, LLC a Nevada limited liability company; DIAMOND DESTINATIONS, LLC a Nevada limited liability company, Counterclaimants, v. PERFEKT MARKETING, LLC, an Arizona limited liability company; JOHN DOES 1-5 ; XYZ CORP 1-5, Counterdefendants.	

THE LAW OFFICE OF VERNON NELSON
ATTORNEY AT LAW

NOTICE OF FILING APPLICATION OF FOREIGN JUDGMENT AND AFFIDAVIT OF JUDGMENT

TO: LEONIDAS P. FLANGAS, Defendant(s)

PLEASE TAKE NOTICE that an Application of Foreign Judgment, a copy of which is incorporated by reference and attached hereto as ***Exhibit 1*** was filed on the above referenced case on the 5th day of February, 2019.

Further, an Affidavit of Judgment Creditor, a copy of which is incorporated by reference and attached hereto as ***Exhibit 2***.

The name and the post office address of the Judgment Creditor is:

PERFEKT MARKETING, LLC
3015 South 48th Street
Tempe, AZ 85282

The name and last know address of the Judgment Debtor is:

LEONIDAS P. FLANGAS
3245 South Tioga Way
Las Vegas, Nevada 89117

DATED this 6th day of February, 2019.

THE LAW OFFICE OF VERNON NELSON

By: */s/ Vernon A. Nelson, Jr., Esq.*
VERNON A. NELSON, JR., ESQ.
Nevada Bar No.: 6434
9480 S. Eastern Ave., Ste. 252
Las Vegas, Nevada 89123
Attorneys for Perfekt Marketing LLC

PROOF OF SERVICE
Perfekt Marketing v. Leonidas P. Flangas, et al.

I, Coreene Drose, declare:

I am over the age of eighteen (18) years and not a party to the within entitled action. I am employed by The Law Office of Vernon Nelson, PLLC, 9480 S. Eastern Avenue, Suite 252, Las Vegas, Nevada 89123. I am readily familiar with The Law Office of Vernon Nelson, PLLC's practice for collection and processing of documents for delivery by way of the service indicated below.

On February 6, 2019, I served the following document(s):

NOTICE OF FILING APPLICATION OF FOREIGN JUDGMENT AND AFFIDAVIT OF JUDGMENT CREDITOR

on the interested party(ies) in this action as follows:

Leonidas P. Flangas
3245 South Tioga Way,
Las Vegas, Nevada 89117

The Grundy Law Firm, PLLC
PO BOX 90166
Phoenix, AZ 85066
Attorneys for Defendant, Leonidas P. Flangas

X By Certified Mail. By placing said document(s) in an envelope or package for collection and mailing Certified mail, return receipt requested, addressed to the person(s) at the address(es) listed above, following our ordinary business practices. I am readily familiar with the firm's practice for collection and processing of mail. Under that practice, on the same day that mail is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service, in a sealed envelope or package with the postage fully prepaid.

☐ **By Facsimile Transmission.** Based on an agreement of the parties to accept service by facsimile transmission or by Court order; or as a courtesy copy, I caused said document(s) to be transmitted to the person(s) at the facsimile number(s) listed above. The facsimile transmission was reported as complete and a copy of the transmission report will be maintained with the document(s) in this office.

☐ **By Electronic Service.** Pursuant to Administrative Order 14-2 and Rule 9 of the NEFCR I caused said documents(s) to be transmitted to the person(s) identified in the E-Service List for this captioned case in Odyssey E-File & Serve of the Eighth Judicial District Court, County of Clark, State of Nevada. A service transmission report reported service as complete and a copy of the service transmission report will be maintained with the document(s) in this office.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

/s/ Coreene Drose
An Employee of
THE LAW OFFICE OF VERNON NELSON

EXHIBIT 1

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2/5/2019 4:14 PM
Steven D. Grierson
CLERK OF THE COURT

FORJ
VERNON A. NELSON, JR., ESQ.
Nevada Bar No.: 6434
THE LAW OFFICE OF VERNON NELSON
9480 S. Eastern Ave., Ste. 252
Las Vegas, Nevada 89123
T: 702-476-2500 | F: 702-476-2788
E-mail: vnelson@nelsonlawfirmlv.com
Attorneys for Perfekt Marketing LLC

DISTRICT COURT

COUNTY OF CLARK, STATE OF NEVADA

PERFEKT MARKETING L.L.C, an Arizona limited liability company, Plaintiff, v. LEONIDAS P. FLANGAS, an individual; ATLANTIS CONCIERGE SERVICES, LLC, a Nevada limited liability company; DIAMOND DESTINATIONS, LLC, a Nevada limited liability company, Defendants.	Case No.: A-19-788870-F Dept No.: Department 9
LEONIDAS P. FLANGAS, an individual; ATLANTIS CONCIERGE SERVICES, LLC a Nevada limited liability company; DIAMOND DESTINATIONS, LLC a Nevada limited liability company, Counterclaimants, v. PERFEKT MARKETING, LLC, an Arizona limited liability company; JOHN DOES 1-5 ; XYZ CORP 1-5, Counterdefendants.	

APPLICATION OF FOREIGN JUDGMENT

COMES NOW Plaintiff, PERFEKT MARKETING LLC, by and through counsel, VERNON A. NELSON, JR., ESQ., of THE LAW FIRM OF VERNON NELSON, and hereby files its Foreign

THE LAW OFFICE OF VERNON NELSON
ATTORNEY AT LAW

Judgment pursuant to NRS 17, specifically NRS 17.350, and registers an exemplified copy of Judgment, incorporated by reference and attached hereto as ***Exhibit 1***, which states as follows:

Judgment from the Superior Court of Arizona, County of Maricopa, signed by the Clerk of the Superior Court, Michael K. Jeanes, and filed on May 5, 2014 in the amount $175,000.00 plus interest at the rate of 4.25% per annum against Defendants Leonidas P. Flangas, et. al.

The Judgment has been satisfied in the amount of $39,012 and the amount of $168,104.75, plus interest at the maximum legal rate and allowable costs remains due and owing (see Affidavit of Judgment incorporated and attached hereto as ***Exhibit 2***).

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

DATED this 1st day of February, 2019.

THE LAW OFFICE OF VERNON NELSON

By: *<u>/s/ Vernon A. Nelson, Jr., Esq.</u>*
VERNON A. NELSON, JR., ESQ.
Nevada Bar No.: 6434
9480 S. Eastern Ave., Ste. 252
Las Vegas, Nevada 89123
Attorneys for Perfekt Marketing LLC

EXHIBIT 1

FILED
MAY 05 2014 3:03 p.m.
MICHAEL K. JEANES, Clerk
By J. Polanco
J. Polanco, Deputy

THE CAVANAGH LAW FIRM
A Professional Association

1850 NORTH CENTRAL AVENUE
SUITE 2400
PHOENIX, ARIZONA 85004-4527
(602) 322-4000
edocket@cavanaghlaw.com

Frank M. Fox, SBN 10235
ffox@cavanaghlaw.com
Nelson A. F. Mixon, SBN 028882
nmixon@cavanaghlaw.com
Attorneys for Perfekt Marketing, LLC

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

PERFEKT MARKETING, LLC, an Arizona limited liability company, Plaintiff, v. LEONIDAS P. FLANGAS, an individual; ATLANTIS CONCIERGE SERVICES, LLC, a Nevada limited liability company; DIAMOND DESTINATIONS, LLC, a Nevada limited liability company, Defendants.	NO. CV2012-002215 **JUDGMENT** (Assigned to the Hon. J. Richard Gama)
LEONIDAS P. FLANGAS, an individual; ATLANTIS CONCIERGE SERVICES, LLC, a Nevada limited liability company; DIAMOND DESTINATIONS, LLC, a Nevada limited liability company, Counterclaimants, v. PERFEKT MARKETING, LLC, an Arizona limited liability company; JOHN DOES 1-5; XYZ CORP 1-5, Counterdefendants.	

IT IS HEREBY ORDERED entering judgment in favor of Plaintiff Perfekt Marketing, LLC and against Defendants Leonidas P. Flangas, Atlantis Concierge Services, LLC, and Diamond Destinations, LLC, jointly and severally, in the amount of $175,000.00 plus interest at the rate of 4.25% per annum. This judgment shall be non-dischargeable, to the extent of $100,000.00, in any proceeding under the United States Bankruptcy Code or other bankruptcy or insolvency law.

IT IS FURTHER ORDERED that, pursuant to the parties' settlement agreement, Defendants Leonidas P. Flangas, Atlantis Concierge Services, LLC, and Diamond Destinations, LLC shall turn over, or cause to be turned over, to Perfekt Marketing or its attorneys of record all ledgers and financial statements of Atlantis Concierge Services, LLC and Diamond Destinations, LLC within 10 days of the entry of this Judgment.

SIGNED this 5 day of ~~April~~ May 2014.

The Honorable J. Richard Gama
Judge of the Superior Court

ORIGINAL of the foregoing
filed this same date with

Clerk of the Court
Maricopa County Superior Court

COPIES mailed this same date to:

Frank M. Fox
Nelson A. F. Mixon
The Cavanagh Law Firm, P.A.
1850 North Central Avenue, Suite 2400
Phoenix, Arizona 85004
Attorneys for Plaintiff

LAW OFFICES
THE CAVANAGH LAW FIRM, P.A.
1850 NORTH CENTRAL AVENUE, SUITE 2400
PHOENIX, ARIZONA 85004-4527
(602) 322-4000

K. Alan Holcomb
Holcomb Law Firm, PC
1334 East Chandler Boulevard, Suite 5 Box C-32
Phoenix, Arizona 85048
Attorney for Plaintiff

Elvin Garry Grundy, III
The Grundy Law Firm, PLLC
P.O. Box 90166
Phoenix, Arizona 85066
Attorney for Defendants

LAW OFFICES
THE CAVANAGH LAW FIRM, P.A.
1850 NORTH CENTRAL AVENUE, SUITE 2400
PHOENIX, ARIZONA 85004-4527
(602) 322-4000

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

STATE OF ARIZONA)
) ss. Cause Number:
COUNTY OF MARICOPA)

CV2012-002215

I, CHRIS DEROSE, the duly elected Clerk of the Superior Court of the State of Arizona, in and for the County of Maricopa, having official custody of the Court's records, do hereby certify and attest the foregoing to be a full, true and correct copy of the original:

JUDGMENT Filed 05/05/2014

on file and of record in my office, and that I have carefully compared the same with the original, all of which I have caused to be authenticated according to the act of Congress (28, USC, Sec. 1738) and the Arizona Rules of Evidence.

Chris DeRose

Clerk of the Superior Court

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

I, JANET E. BARTON, Presiding Judge of the Superior Court of the State of Arizona, in and for the County of Maricopa, do hereby certify that said Court is a Court of Record having a Clerk and Seal. That CHRIS DEROSE, who signed the foregoing certificate, is the duly elected Clerk of said Superior Court. That said signature is his authorized signature, and that all of his official acts, as such Clerk, are entitled to full faith and credit.

I further certify that said attestation is in due form of law.

IN WITNESS WHEREOF, I have hereunto set my hand in my official capacity as such Judge, and affixed the seal of said Court, this date:

12/06/2018

Janet E. Barton

Presiding Judge of the Superior Court

EXHIBIT 2

VERNON A. NELSON, JR., ESQ.
Nevada Bar No.: 6434
THE LAW OFFICE OF VERNON NELSON
9480 S. Eastern Ave., Ste. 252
Las Vegas, Nevada 89123
T: 702-476-2500 | F: 702-476-2788
vnelson@nelsonlawfirmlv.com
Attorneys for Perfekt Marketing LLC

DISTRICT COURT

COUNTY OF CLARK, STATE OF NEVADA

PERFEKT MARKETING L.L.C, an Arizona limited liability company, Plaintiff, v. LEONIDAS P. FLANGAS, an individual; ATLANTIS CONCIERGE SERVICES, LLC, a Nevada limited liability company ; DIAMOND DESTINATIONS, LLC, a Nevada limited liability company, Defendants.	Case No.: Dept No.:
LEONIDAS P. FLANGAS, an individual; ATLANTIS CONCIERGE SERVICES, LLC a Nevada limited liability company; DIAMOND DESTINATIONS, LLC a Nevada limited liability company, Counterclaimants, v. PERFEKT MARKETING, LLC, an Arizona limited liability company; JOHN DOES 1-5; XYZ CORP 1-5, Counterdefendants.	

AFFIDAVIT OF JUDGMENT

PLEASE TAKE NOTICE that a Judgment was entered on May 5, 2014, in the action entitled *Perfekt Marketing, LLC, an Arizona limited liability company v. Leonidas P. Flangas, et al.*, in the Superior Court of the State of Arizona in and for the County of Maricopa Case Number CV2012-

THE LAW OFFICE OF VERNON NELSON
ATTORNEY AT LAW

002215, in favor of Perfekt Marketing (hereinafter "Judgment Creditor") located at 3015 South 48th Street, Tempe, Arizona 85282 and against LEONIDAS P. FLANGAS ("Judgment Debtor") located at 3245 South Tioga Way, Las Vegas, Nevada 89117.

The foreign judgment that is attached to the Application of Foreign Judgment is valid and enforceable and was entered in the amount $175,000.00 plus interest at the rate of 4.25% per annum.

As of the date of this Affidavit $39,012.00 of the foreign judgment has been satisfied and the amount of $168,104.75, plus interest at the maximum legal rate and allowable costs remains due and owing from the Judgment Debtor.

DATED this 4th day of February, 2019.

THE LAW OFFICE OF VERNON NELSON

By: */s/ Vernon A. Nelson, Jr., Esq.*
VERNON A. NELSON, JR., ESQ.
Nevada Bar No.: 6434
9480 S. Eastern Ave., Ste. 252
Las Vegas, Nevada 89123
Attorneys for Perfekt Marketing LLC

EXHIBIT 2

VERNON A. NELSON, JR., ESQ.
Nevada Bar No.: 6434
THE LAW OFFICE OF VERNON NELSON
9480 S. Eastern Ave., Ste. 252
Las Vegas, Nevada 89123
T: 702-476-2500 | F: 702-476-2788
vnelson@nelsonlawfirmlv.com
Attorneys for Perfekt Marketing LLC

DISTRICT COURT

COUNTY OF CLARK, STATE OF NEVADA

PERFEKT MARKETING L.L.C, an Arizona limited liability company, Plaintiff, v. LEONIDAS P. FLANGAS, an individual; ATLANTIS CONCIERGE SERVICES, LLC, a Nevada limited liability company ; DIAMOND DESTINATIONS, LLC, a Nevada limited liability company, Defendants.	Case No.: Dept No.:
LEONIDAS P. FLANGAS, an individual; ATLANTIS CONCIERGE SERVICES, LLC a Nevada limited liability company; DIAMOND DESTINATIONS, LLC a Nevada limited liability company, Counterclaimants, v. PERFEKT MARKETING, LLC, an Arizona limited liability company; JOHN DOES 1-5; XYZ CORP 1-5, Counterdefendants.	

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THE LAW OFFICE OF VERNON NELSON
ATTORNEY AT LAW

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As of the date of this Affidavit $39,012.00 of the foreign judgment has been satisfied and the amount of $168,104.75, plus interest at the maximum legal rate and allowable costs remains due and owing from the Judgment Debtor.

DATED this 4th day of February, 2019.

THE LAW OFFICE OF VERNON NELSON

By: */s/ Vernon A. Nelson, Jr., Esq.*
VERNON A. NELSON, JR., ESQ.
Nevada Bar No.: 6434
9480 S. Eastern Ave., Ste. 252
Las Vegas, Nevada 89123
Attorneys for Perfekt Marketing LLC

EXHIBIT 3

EXHIBIT 3

REGISTER OF ACTIONS

CASE NO. A-19-788870-F

Perfekt Marketing, LLC, Plaintiff(s) vs. Leonidas Flangas, Defendant(s)

Case Type:	**Foreign Judgment**
Date Filed:	**02/05/2019**
Location:	**Department 8**
Cross-Reference Case Number:	**A788870**

PARTY INFORMATION

		Lead Attorneys
Defendant	**Atlantis Concierge Services, LLC**	
Defendant	**Diamond Destinations, LLC**	
Defendant	**Flangas, Leonidas**	**Ian Christopherson** *Retained* 702-385-9094(W)
Plaintiff	**Perfekt Marketing, LLC**	**Vernon A. Nelson** *Retained* 702-476-2500(W)

EVENTS & ORDERS OF THE COURT

DISPOSITIONS

02/05/2019 **Foreign Judgment** (Judicial Officer: Vacant, DC 9)
Debtors: Leonidas Flangas (Defendant), Atlantis Concierge Services, LLC (Defendant), Diamond Destinations, LLC (Defendant)
Creditors: Perfekt Marketing, LLC (Plaintiff)
Judgment: 02/05/2019, Docketed: 02/06/2019
Total Judgment: 168,104.75
Satisfaction: Partial Satisfaction

OTHER EVENTS AND HEARINGS

02/05/2019 **Application of Foreign Judgment - NRS 17**
Application of Foreign Judgment
02/06/2019 **Notice**
Notice of Filing Application of Foreign Judgment and Affidavit of Judgment
02/06/2019 **Affidavit of Service**
Affidavit of Service of Notice of Filing Application of Foreign Judgment and Affidavit of Judgment
04/29/2019 **Case Reassigned to Department 8**
Judicial Reassignment to Department 8 - Vacant DC8 Judge
06/12/2019 **Affidavit of Service**
Affidavit of Service
07/09/2019 **Motion**
Motion to Strike or Relief From Void Judgment
07/09/2019 **Clerk's Notice of Hearing**
Clerk's Notice of Hearing
08/12/2019 **Motion to Strike** (9:00 AM) (Judicial Officer Vacant, DC 8)
Motion to Strike or Relief From Void Judgment

FINANCIAL INFORMATION

	Plaintiff Perfekt Marketing, LLC			
	Total Financial Assessment			270.00
	Total Payments and Credits			270.00
	Balance Due as of 07/15/2019			**0.00**
02/06/2019	Transaction Assessment			270.00
02/06/2019	Efile Payment	Receipt # 2019-07906-CCCLK	Perfekt Marketing, LLC	(270.00)

EXHIBIT 4

EXHIBIT 4

Supreme Court of Arizona
Administrative Office of the Courts
Court Services Division
1501 West Washington, Suite 410
Phoenix, AZ. 85007

MEMORANDUM

To: Limited Jurisdiction Court Presiding Judges
Limited Jurisdiction Court Administrators
Superior Court Clerks
Municipal and Justice Court Chief Clerks
Field Trainers

Cc: Court Services

From: Marcus Reinkensmeyer, Director Court Services Division

Date: July 10, 2018

Re: **Civil Judgments; LJ Retention Schedule Changes**

This memorandum serves to notify all limited jurisdiction courts of changes to the retention schedule for civil judgments in ACJA § 4-302, effective August 3, 2018. The legislature passed, and the Governor signed HB2240 which increases the time for execution of civil judgments and renewal of civil judgments from 5 years to 10 years. This required changes to record series numbers 9, 10, and 11 of ACJA § 4-302 from 6 years to 11 years. (See AO 2018-53, attached)

Judgments entered or renewed on or after August 2, 2013, are subject to the new legislation, and thus subject to the new retention schedule.

The AOC has completed changes reflecting the increased retention periods in AZTEC. Changes to AJACS are in progress. All non-ACAP courts will need to make updates to their retention practices accordingly.

Please contact Jennifer R. Albright at (602) 452-3453 or jalbright@courts.az.gov, if you have any questions.

Enclosures: 2

Thank you for your assistance in this matter.

Marcus W. Reinkensmeyer
Director, Court Services Division
Arizona Supreme Court, Administrative Office of Courts
602-452-3334
mreinkensmeyer@courts.az.gov

Lynn Golden
Administrative Assistant III
Caseflow Management and eCourt Services Units
Court Services Division
Arizona Supreme Court
1501 W. Washington Street, Suite 410
Phoenix, AZ 85007-3231
Phone: (602) 452-3195
Email: lgolden@courts.az.gov

EXHIBIT 5

EXHIBIT 5

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Civil Court Case Information - Case History

Case Information

Case Number:	CV2012-002215	Judge:	Hegyi, Hugh
File Date:	8/8/2012	Location:	Downtown
Case Type:	Civil		

Party Information

Party Name	Relationship	Sex	Attorney
Perfekt Marketing L L C	Plaintiff		K Holcomb
Leonidas P Flangas	Defendant	Female	Elvin Grundy
Atlantis Concierge Services L L C	Defendant		Elvin Grundy
Diamond Destinations L L C	Defendant		Elvin Grundy

Case Documents

Filing Date	Description	Docket Date	Filing Party
5/6/2014	049 - ME: Judgment Signed	5/6/2014	
5/5/2014	JUD - Judgment	5/16/2014	
NOTE: Notice of filing and entry provided to the parties			
5/5/2014	OVJ - Order Vacating Judgment	5/16/2014	
4/25/2014	083 - ME: Conference Reset/Cont	4/25/2014	
4/22/2014	MOT - Motion	4/22/2014	
NOTE: Motion to Vacate Status Conference and for Entry of Stipulated Judgment			
4/21/2014	026 - ME: Pretrial Conference Set	4/21/2014	
2/11/2014	MOT - Motion	2/11/2014	
NOTE: PLAINTIFF'S MOTION TO REINSTATE, TO VACATE THE JUDGMENT OF DISMISSAL, FOR ENTRY OF JUDGMENT, AND TO DEEM SETTLEMENT AGREEMENT SIGNED			
2/10/2014	NOT - Notice	2/11/2014	
NOTE: NOTICE OF STIPULATION RE PLAINTIFF'S MOTION TO REINSTATE, TO VACATE THE JUDGMENT OF DISMISSAL, FOR ENTRY OF JUDGMENT, AND TO DEEM SETTLEMENT AGREEMENT SIGNED			
2/7/2014	047 - ME: Judgment Of Dismissal	2/7/2014	
2/7/2014	MVJ - Motion To Vacate Judgment	2/10/2014	
NOTE: PLAINTIFF'S MOTION TO REINSTATE, TO VACATE THE JUDGMENT OF DISMISSAL, FOR ENTRY OF JUDGMENT, AND TO DEEM SETTLEMENT AGREEMENT SIGNED			
11/26/2013	078 - ME: Case On Dismissal Calendar	11/26/2013	
11/15/2013	NOS - Notice Of Settlement	11/15/2013	
NOTE: Notice of Settlement			
11/1/2013	019 - ME: Ruling	11/1/2013	
10/24/2013	MSJ - Motion For Summary Judgment	10/24/2013	
NOTE: Plaintiff's Supplement To Its Motion For Summary Judgment And Supporting Statement of Facts			
10/16/2013	REL - Reply	10/16/2013	
NOTE: Plaintiff's Reply to its Motion for Contempt Sanctions			
10/9/2013	MSJ - Motion For Summary Judgment	10/9/2013	
NOTE: Plaintiff's Motion For Summary Judgment			
10/9/2013	SOF - Statement Of Facts	10/9/2013	
NOTE: Plaintiff's Separate Statement of Facts in Support of Its Motion For Summary Judgment			
10/9/2013	MOT - Motion	10/10/2013	
NOTE: Plaintiff's Motion For Expedited Hearing and Briefing Schedule			
10/3/2013	OBJ - Objection/Opposition.	10/4/2013	
NOTE: DEFENDANTS-COUNTERCLAIMANTS' MOTION IN OPPOSITION TO PLAINTIFF-COUNTERDEFENDANT PERFEKT'S MOTION FOR CONTEMPT SANCTIONS			
9/19/2013	MOT - Motion	9/19/2013	
NOTE: Plaintiff's Motion for Contempt Sanctions (Failure to Comply with August 5, 2013 Order Compelling Disclosure)			
9/18/2013	ORD - Order	9/18/2013	
NOTE: Notice of Settlement Conference			
8/30/2013	070 - ME: Settlement Conference Set	8/30/2013	
8/6/2013	022 - ME: Order Signed	8/6/2013	
8/5/2013	ORD - Order	8/8/2013	
NOTE: COMPELLING DISCLOSURE BY COUNTERCLAIMANTS			
7/12/2013	026 - ME: Pretrial Conference Set	7/12/2013	
7/11/2013	ORD - Order	7/16/2013	
NOTE: SCHEDULING			

6/24/2013	NOT - Notice	6/25/2013
NOTE: Notice of Lodging Joint Proposed Scheduling Order		
6/19/2013	MTC - Motion To Compel	6/20/2013
NOTE: Perfekt Marketing's Motion to Compel Disclosure		
6/19/2013	STA - Statement	6/20/2013
NOTE: Statement of Counsel Re: Good Faith Efforts to Resolve Discovery Dispute		
5/17/2013	023 - ME: Order Entered By Court	5/17/2013
5/2/2013	REQ - Request	5/3/2013
NOTE: Request for Rule 16 Scheduling Conference		
2/22/2013	019 - ME: Ruling	2/22/2013
1/9/2013	311 - ME: 150 Day Minute Entry	1/9/2013
1/9/2013	339 - ME: 100 Day Notice	1/9/2013
12/14/2012	REL - Reply	12/14/2012
NOTE: PERFEKT MARKETING'S REPLY IN SUPPORT OF ITS MOTION TO DISMISS DEFENDANTS' FAIR DEBT COLLECTION PRACTICES ACT COUNTERCLAIM		
12/3/2012	MOT - Motion	12/4/2012
NOTE: DEFENDANT-COUNTERCLAIMANTS' MOTION IN OPPOSITION TO PLAINTIFF-COUNTERDEFENDANT PERFEKT'S MOTION TO DISMISS FDCPA COUNTERCLAIM		
11/2/2012	MTD - Motion To Dismiss	11/2/2012
NOTE: Motion to Dismiss the Fair Debt Collection Practices Act Counterclaim		
10/26/2012	RES - Response	10/26/2012
NOTE: Response to Counterclaim		
9/28/2012	ANS - Answer	10/1/2012
NOTE: Answer and Counterclaim For: 1) Breach of Contract 2) Breach of the Implied Covenant of Good Faith and Fair Dealing 3) Negligent Misrepresentation 4) Intentional Misrepresentation 5) Injurious Falsehood/Trade Libel 6) Violating FDCPA §1692(d)-(f) Abusive, Deceptive Unfair Collection Practices- Efile Billing $223.00		
9/26/2012	023 - ME: Order Entered By Court	9/26/2012
9/21/2012	AAE - Application/Affidavit And Entry Of Default	9/21/2012
NOTE: application for entry of default		
9/21/2012	AAE - Application/Affidavit And Entry Of Default	9/21/2012
NOTE: VERIFICATION IN SUPPORT OF APPLICATION FOR ENTRY OF DEFAULT		
8/22/2012	SUM - Summons	8/27/2012
8/22/2012	SUM - Summons	8/27/2012
8/22/2012	SUM - Summons	8/27/2012
8/22/2012	AFS - Affidavit Of Service	8/24/2012
NOTE: LEONIDAS P FLANGAS		
8/22/2012	AFS - Affidavit Of Service	8/24/2012
NOTE: DIAMOND DESTINATIONS LLC		
8/20/2012	AFS - Affidavit Of Service	8/24/2012
NOTE: ATLANTIS CONCIERGE SERVICES LLC		
8/8/2012	COM - Complaint	8/9/2012
8/8/2012	CCN - Cert Arbitration - Not Subject	8/9/2012

Case Calendar

Date	Time	Event
11/13/2013	9:00	Civil Settlement Conference
1/7/2014	9:45	Pre-Trial Conference
5/19/2014	9:00	Pre-Trial Conference
5/30/2014	9:15	Pre-Trial Conference

Judgments

Date	(F)or / (A)gainst	Amount	Frequency	Type	Status
5/5/2014	F:Perfekt Marketing L L C A: Leonidas P Flangas A: Atlantis Concierge Services L L C A: Diamond Destinations L L C	$175,000.00	One Time	Principal	

EXHIBIT 6

EXHIBIT 6

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EXHIBIT 7

EXHIBIT 7

Law Offices Of: VERNON NELSON
9480 S. EASTERN #252
Las Vegas, NV 89123
702.476.2500
Attorney for: Plaintiff

DISTRICT COURT CLARK COUNTY NEVADA

PERFEKT MARKETING L.L.C.
Plaintiff

LEONIDAS P. FLANGAS, ET AL.

Defendant

Case Number: A-19-788870-F

Dept/Div: 9

DECLARATION OF ATTEMPTED SERVICE

TINA J. SANCHEZ, being duly sworn deposes and says: that at all times herein that affiant was and is a citizen of the United States, over eighteen years of age, licensed to serve civil process in the state of Nevada under license #389, and not a party to or interested in the proceding in which this affidavit is made. The affiant received on Fri, Mar. 15, 2019, 1 copy(ies) of the:

NOTICE OF FILING APPLICATION OF FOREIGN JUDGMENT AND AFFIDAVIT OF JUDGMENT.

FOR SERVICE ON: DEFENDANT LEONIDAS P. FLANGAS, AN INDIVIDUAL.

Day	Date	Time	Location	Results
Sat	03/16/19	1:07pm		AFFIANT ATTEMPTED SERVICE AT 3245 S. TIOGA WAY, LAS VEGAS, NV 89117 AND OBSERVED A GATED ENTRY WITH NO ACCESS TO FRONT DOOR AND NO BELL. AFFIANT LEFT LEGAL WINGS CONTACT SHEET ON GARAGE.
Mon	03/18/19	7:28pm		AFFIANT ATTEMPTED SERVICE AT 3245 S. TIOGA WAY, LAS VEGAS, NV 89117 AND COULD NOT GAIN ENTRY. AFFIANT BANGED ON THE GATE, OBSERVED LIGHTS ON IN THE COURTYARD AND CONTACT SHEET STILL THERE.
Fri	03/22/19	6:12pm		AFFIANT ATTEMPTED SERVICE AT 3245 S. TIOGA WAY, LAS VEGAS, NV 89117 AND RECEIVED NO ANSWER AND OBSERVED NO CHANGE FROM THE PREVIOUS ATTEMPT.

Law Offices Of: VERNON NELSON
9480 S. EASTERN #252
Las Vegas, NV 89123
702.476.2500
Attorney for: Plaintiff

DISTRICT COURT CLARK COUNTY NEVADA

PERFEKT MARKETING L.L.C.
Plaintiff

LEONIDAS P. FLANGAS, ET AL.

Defendant

Case Number: A-19-788870-F

Dept/Div: 9

DECLARATION OF ATTEMPTED SERVICE

Day	Date	Time	Location	Results
Sat	03/23/19	10:13am		AFFIANT ATTEMPTED SERVICE AT 3245 S. TIOGA WAY, LAS VEGAS, NV 89117 AND RECEIVED NO ANSWER AND OBSERVED NO CHANGE FROM THE PREVIOUS ATTEMPT. CLARK COUNTY ASSESSOR'S OFFICE REVEALED NO RECORD FOR THE DEFENDANT AS THE CURRENT OR PREVIOUS OWNER OF THE REAL PROPERTY LOCATED AT 3245 S. TIOGA WAY, LAS VEGAS, NV 89117. LEGAL WINGS, INC. RECEIVED INSTRUCTIONS FROM THE LAW OFFICE OF VERNON NELSON TO STOP SERVICE AND RETURN ALL DOCUMENTS.

Pursuant to NRS 53.045, I declare under the penalty of perjury under the law of the State of Nevada that the forgoing is true and correct. Executed Wed, May. 15, 2019

Affiant TINA L SANCHEZ #R-2018-04091
LEGAL WINGS, INC. #389
1118 FREMONT STREET
Las Vegas, NV 89101
(702) 384-0305, FAX (702) 384-8638

EXHIBIT 8

EXHIBIT 8

AFFIDAVIT OF SERVICE

Case: A-19-788870-F	Court: DISTRICT COURT COUNTY OF CLARK, STATE OF NEVADA	County: Clark	Job: 3439677 (PS190054)
Plaintiff / Petitioner: PERFEKT MARKETING L.L.C, an Arizona limited liability company,		Defendant / Respondent: LEONIDAS P. FLANGAS, an individual; ATLANTIS CONCIERGE SERVICES, LLC, a Nevada limited liability company; DIAMOND DESTINATIONS, LLC, a Nevada limited liability company,	
Received by: Elite Investigations on May 28, 2019		For: The Law Office of Vernon Nelson	
To be served upon: Leonidas Flangas			

I, Shayla Whitaker, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents and informed said person of the contents herein

Recipient Name / Address:	Leonidas Flangas, 600 South 3rd Street, Las Vegas, Nevada 89101
Manner of Service:	Personal/Individual, June 6, 2019, 8:00 am PDT
Documents:	NOTICE OF FILING APPLICATION OF FOREIGN JUDGMENT AND AFFIDAVIT OF JUDGMENT

Additional Comments:
1) Successful Attempt: June 6, 2019, 8:00 am PDT at 600 South 3rd Street, Las Vegas, Nevada 89101; received by Leonidas Flangas. Age: 50; Gender: Male; Weight: 150; Height: 5'9"; Hair: Bald; Other: Leonidas Flangas was nicely dressed in slacks and a white button up shirt. At approximately 8:00 a.m., the Affiant arrived at Flangas Law Firm, which is located at 600 South 3rd Street, Las Vegas, Nevada 89101. Leonidas Flangas' 2008 Mercedes was not in the parking lot at that time, so the Affiant parked and waited for him to arrive. At approximately 8:50 a.m., Leonidas Flangas pulled up in his black 2008 Mercedes and parked in the lot behind the Law Firm. Once he got out of his vehicle, he was served with the provided documents.

6/6/19

Shayla Whitaker — Date
873

Elite Investigations
7435 S. Eastern Avenue #5-284
Las Vegas, NV 89123
702-897-8473

State of Nevada

County of Clark
Subscribed and sworn to before me by the affiant who is personally known to me.

Hannah Lewis

Notary Public in and for said county and state

6/06/2019 — 11/4/22

Date — Commission Expires

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EXHIBIT "7"

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IAN CHRISTOPHERSON, ESQ.
Nevada Bar No. 3701
600 South Third Street
Las Vegas, NV 89101
Email: iclaw44@gmail.com
Telephone: (702) 372-9649
Attorneys for Defendant, Leonidas P. Flangas

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

PERFEKT MARKETING L.L.C, an Arizona limited liability company, Plaintiff, v. LEONIDAS P. FLANGAS, an individual; ATLANTIS CONCIERGE SERVICES, LLC, a Nevada limited liability company; DIAMOND DESTINATIONS, LLC, a Nevada limited liability company, Defendants.	Case No.: A-19-788870-F Dept. No.: VIII Hearing Date: 8/27/2019 Hearing Time: 8:30 A.M.
LEONIDAS P. FLANGAS, an individual; ATLANTIS CONCIERGE SERVICES, LLC a Nevada limited liability company; DIAMOND DESTINATIONS, LLC a Nevada limited liability company, Counterclaimants, v. PERFEKT MARKETING, LLC, an Arizona limited liability company; JOHN DOES 1-5; XYZ CORP 1-5, Counterdefendants.	

REPLY IN SUPPORT OF DEFENDANT'S MOTION FOR RELIEF FROM VOID JUDGMENT AND MOTION FOR PROTECTIVE ORDER

Defendant, Leonidas P. Flangas by and his counsel of record, Ian Christopherson, Esq. hereby file this Reply in Support of Motion for Relief from Plaintiff's Void Judgment and Motion for Protective Order (collectively the "Motion"). The Motion must be granted as Plaintiff has failed to oppose the Motion with any plausible argument.

While erroneously construing Nevada law and attempting to comingle the same with Arizona law, Plaintiff mistakenly claims that the validity of the original judgment is irrelevant. Plaintiff ignores that in *Trubenbach v. Amstadter*, 109 Nev. 297, 298, 849 P.2d 288, 289 (1993), that, "The parties agree that the California judgment is valid, and that Nevada law applies to the dispute." In this case there is no such agreement because Plaintiff admittedly failed to renew the judgment by the relevant five-year statute of limitation prescribed by Arizona law. Additionally, a memorandum issued by Arizona Director of Court Services Division, which actually discusses records retention of the limited jurisdiction courts, does not serve as legal precedent to dispute Arizona's own Courts in determining that the applicable statute of limitation of five-years to collect upon a judgment is the law of this case. Without an Arizona Court determining that the new ten-year statute of limitations should be applied retroactively, the opinion of the Court in *Harle v. Williams*, 246 Ariz. 330, 438 P.3d 699 (Ct. App. 2019), is binding.[1] As Plaintiff does not have a valid foreign judgment, there is no obligation upon Nevada's Court's to recognize, correct or enforce Plaintiff's invalid judgment.

[1] Plaintiff also fails to inform the Court that the Memorandum, Plaintiff's Exhibit 4, ACJA § 4-302 was an administrative memorandum stating in short that records should be held for 11 years and not six. ("ACJA" stands for "Arizona Code of Judicial Administration"; "A.R.S." refers to "Arizona Revised Statutes") It does not discuss A.R.S. §§ 12–1551 and 12–1612, which are the statutes that were modified to increase the statute of limitations for collection of a judgment. Much like the argument misconstruing *Trubenbach's* analysis and holding, Plaintiff wantonly leads the Court astray.

This Reply is made and based upon all the records and pleadings on file herein, the prior Declarations of Leonidas Flangas, all documents filed in his matter, any arguments which this Court may entertain as well as the points and authorities attached hereto.

Dated this _15___ day of August 2019.

By: /s/ Ian Christopherson
IAN CHRISTOPHERSON, ESQ.
Nevada Bar No. 3701
Attorneys for Defendant, Leonidas P. Flangas

MEMORANDUM OF POINTS AND AUTHORITIES

I.

SUPPLEMENTAL LEGAL ARGUMENT

A. Nevada Court's Are Not Required to Provide Full Faith and Credit to Plaintiff's Judgment Which Was Void When Plaintiff Did Not Properly Renew the Judgment in Arizona.

The underlying presumption that Plaintiff fails to address is that Plaintiff's judgment is not valid in Arizona and cannot be valid in Nevada. "The full faith and credit doctrine requires each state to give effect to the judicial proceedings of other states." *Donlan v. State*, 127 Nev. 143, 145, 249 P.3d 1231, 1233 (2011) (*quoting Adams v. Adams*, 107 Nev. 790, 792, 820 P.2d 752, 754 (1991)); *see also* U.S. Const, art. IV. § 1. If there is a showing of fraud, lack of due process or lack of jurisdiction Nevada courts are not obligated to enforce the judgment of a "sister state" and provide full faith and credit. *Clint Hurt & Assocs., Inc. v. Silver State Oil & Gas Co.*, 111 Nev. 1086, 1088, 901 P.2d 703, 705 (1995); (*citing* United States Const. art. IV, § 1; *Karow v. Mitchell*, 110 Nev. 959, 878 P.2d 978 (1994); *Rosenstein v. Steele*, 103 Nev. 571,

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Plaintiff's claim that the Memorandum expressly warrants that A.R.S. § 12–1551 is retroactive, when it in fact dictates when records should be destroyed, is such a blatant mischaracterization that sanctions should be awarded.

747 P.2d 230 (1987)). The Full Faith and Credit Clause does not compel "a state to substitute the statutes of other states for its own statutes dealing with a subject matter concerning which it is competent to legislate." *Baker v. General Motors Corp.*, 522 U.S. 222, 232 (1998).

In this case, Plaintiff does not have a valid judgment which requires Nevada to extend its full faith and credit, as the judgment is unenforceable. As there is not a valid judgment in the state of Arizona because the renewal never occurred, Nevada does not have to recognize the Plaintiff's expired judgment. *Donlan*, 127 Nev. at 145; *Adams*, 107 Nev. at 792; U.S. Const, art. IV. § 1; *Clint Hurt & Assocs., Inc.*, 111 Nev. at 1088; *Karow*, 110 Nev. 959; *Rosenstein*, 103 Nev. 571.

As discussed in the Motion the Arizona Court in In *Harle v. Williams*, 246 Ariz. 330, 438 P.3d 699 (Ct. App. 2019) (a case decided in March 2019 which analyzed a judgment obtained in 2011) that Court determined that an improperly renewed judgment was void after five years. That Court applying the same statute which was applicable at the time Plaintiff's judgment was obtained, stated on this precise point:

> At the relevant time, A.R.S. § 12–1551(B) prohibited the issuance of writs of execution or other process on a judgment "after the expiration of five years from the date of its entry unless the judgment is renewed by affidavit or process pursuant to § 12–1612 or an action is brought on it within five years from the date of the entry of the judgment or of its renewal."

Harle, 438 P.3d at 701.

Plaintiff does not even mention *Harle*, which is clearly on point and identifies that the correct statute of limitation is five years. Nor has Plaintiff cited any case law that states that the 2018 versions of A.R.S. §§ 12–1551(B) and 12-1612 versions should be applied retroactively to judgments obtained in 2014.

Arizona much like Nevada has determined that unless a statute states it has retroactive application, that statute is to be applied prospectively moving forward. *State v. Carver*, 227

Ariz. 438, 258 P.3d 256 (Ct. App. 2011) (holding that a law regulating primary or substantive conduct is retroactive only if expressly declared therein, A.R.S. § 1–244); *Pub. Employees' Benefits Program v. Las Vegas Metro. Police Dep't*, 124 Nev. 138, 154–55, 179 P.3d 542, 553 (2008) (stating, "In Nevada, as in other jurisdictions, statutes operate prospectively, unless the Legislature clearly manifests an intent to apply the statute retroactively, or 'it clearly, strongly, and imperatively appears from the act itself' that the Legislature's intent cannot be implemented in any other fashion. And as Metro points out, when the Legislature intends retroactive application, it is capable of stating so clearly.") [citations omitted]. There is no indication that the Arizona legislature intended to retroactively apply the 2018 versions of A.R.S. §§ 12–1551(B) and 12-1612 and thereby implementing a ten-year deadline for renewal for Arizona judgments obtained before 2018. Thus, there is no application of the new statutes' versions to the 2014 judgment which Plaintiff allowed to expire.

Plaintiff however claims that the its Memorandum, Plaintiff's Exhibit 4, which discusses ACJA § 4-302[2] states that the new 2018 statute for collection of judgments is 10 years – THIS IS BLATANTLY FALSE. Exhibit 4 is an administrative memorandum stating in short that records should be held for 11 years and not six. ("ACJA" stands for "Arizona Code of Judicial Administration"; "A.R.S." refers to "Arizona Revised Statutes") It does not discuss A.R.S. §§ 12–1551 and 12–1612[3], which are the statutes that were modified in 2018 to increase the statute

[2] Attached as Exhibit C is a true and correct copy of the Arizona Code of Judicial Administration, Part 4 Limited Jurisdiction Courts, Chapter 3: Administration, Section 4-302: records Retention and Disposition Schedule. After the 11 pages of Section 4-302, the related Memorandum submitted as Plaintiff's Exhibit 4 is attached.

[3] Plaintiff claims that, "Defendant failed in his moving papers, that while the <u>former</u> A.R.S. § 12–1551 limited a period of judgment for five years, the statute was amended to expand the allowable judgment enforcement period in Arizona to ten years." Opposition, p. 4:24-27. If that has any accuracy, Plaintiff must have failed to read Section A(2) of the Motion's "Legal Argument" which referenced the application of the former version of A.R.S. § 12–1551 in 2010 versus the 2018 version, as addressed by the Arizona Court in *Harle* and *Cristall*.

of limitations for collection of a judgment.

1. The Domestication of the Foreign Judgment Does Not Satisfy the Requirement That the Judgment in Original State, or Arizona, Must Also Be Valid for the Domestication of the Foreign Judgment to Be Valid.

Plaintiff tortuously misrepresents *Trubenbach v. Amstadter*, 109 Nev. 297, 849 P.2d 288 (1993) which involved the domestication of a judgment from California, which has a ten-year statute of limitations on renewal, to Nevada which has a six-year deadline for renewal. In *Trubenbach* the parties agreed that the California judgment was valid. *Id.* at 299. In this case the statute of limitations has already passed on the renewal of the judgment in Arizona A.R.S. §§ 12–1551 and 12–1612 (2010). That is the reason why the *Trubenbach* did not have to address the issue of the original state's judgment being valid, which error in analysis Plaintiff does not grasp. Opposition, p. 3:11-25. That is because the issue is *Trubenbach* was, "parties dispute when the Nevada statute of limitations commences to run for the enforcement of a foreign judgment under the Uniform Enforcement of Foreign Judgments Act (UEFJA), NRS 17.330 to 17.400, inclusive." *Id.* at 300. Basically, *Trubenbach* stands form the proposition that the statute of limitations under NRS 11.190(1)(a), for a valid recorded foreign judgment begins at the time of notice:

> Based on the foregoing cases and the fact that Nevada does not limit the number of times a party may renew a judgment, we conclude that when a party files a valid foreign judgment in Nevada, it constitutes a new action for the purposes of the statute of limitations. Thus, when Trubenbach filed a notice of a valid foreign judgment in a Nevada district court in July, 1991, NRS 11.190(1)(a) began running. Because the six-year statute of limitations has not expired, Trubenbach's claim is valid and enforceable in Nevada. We therefore reverse and remand this case to the district court for entry of judgment against the Estate.

Trubenbach, 109 Nev. at 301.

Plaintiff erroneously conflates a new action having been domesticated as satisfying the original state's statute of limitation for renewal.

Nevada law demands that a domesticated judgment is only valid if the original judgment is valid. In *Bianchi v. Bank of Am., N.A.*, 124 Nev. 472, 476, 186 P.3d 890, 893 (2008) that Court held that a judgment creditor could domesticate a foreign judgment as many times as allowed, so long as the original judgment was valid. "The issue before us is whether a judgment creditor may domesticate a valid and enforceable renewed foreign judgment in Nevada after Nevada's six-year limitation period for the enforcement of judgments has run on the original domesticated foreign judgment." *Id.* at 476. In addressing this issue, the *Bianchi Court* determined that the original judgment could be domesticated multiple times so long as it was valid, "Bianchi has failed to provide us with any opposing or contrary authority that would prevent a judgment creditor from filing a new domesticated foreign judgment in Nevada, **so long as the foreign judgment is valid and enforceable in the issuing state."** *Bianchi*, 124 Nev. at 476 [emphasis added]. By not timely renewing the judgment as dictated by Arizona law, Plaintiff waived its right to pursue the judgment in another state and cannot cover its mistake by filing to domesticate an invalid judgment.

III.

CONCLUSION

Wherefore based on the foregoing it is respectfully that this Court grant this Motion in its entirety, by voiding the Judgment, compelling the release of any claimed liens and any other relief which may be appropriate under the circumstances.

Dated this _15___ day of August 2019.

By: /s/ Ian Christopherson
IAN CHRISTOPHERSON, ESQ.
Nevada Bar No. 3701
Attorneys for Defendant, Leonidas P. Flangas

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this __15__ day of August 2019, I served a copy of the foregoing **REPLY IN SUPPORT OF DEFENDANT'S MOTION FOR RELIEF FROM VOID JUDGMENT AND MOTION FOR PROTECTIVE ORDER** upon each of the following persons via the Odyssey E-Filing System pursuant to NRCP 5(b)(2)(D) and EDCR 8.05:

Master Calendering	mail@nelsonlawfirmlv.com
Vernon Nelson	vnelson@nelsonlawfirmlv.com
Allicia B Tomolo	atomolo@nelsonlawfirmlv.com

Dated this __15__ day of August 2019.

/s/ Ian Christopherson
Ian Christopherson, Esq.

EXHIBIT C

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 4: Limited Jurisdiction Courts
Chapter 3: Administration
Section 4-302: Records Retention and Disposition Schedule

A. Definitions. In this section, the following definitions apply:

"Case file" means all documents and other material filed with the clerk in an action or proceeding, either in paper or electronic format, including depositions, transcripts, and case financial records. *Case file* also includes case management system data but does not include exhibits submitted at a hearing or trial.

"Completion of Sentence" and "Satisfaction of Sanctions" mean payment of all fines, fees, and restitution along with compliance with all requirements of the court's order or law.

"Records Manager" means the person or persons responsible for keeping and disposing of any records held by the court or any department of the court.

B. General Provisions

1. Electronic Case Files and Case Data. At the end of the retention period set forth in section E below, a records manager must destroy electronic case files and case data.

2. Paper Case Files and Administrative Records. At the end of the retention period set forth in section E below, a records manager may destroy case files that are primarily paper in format and all other records, regardless of format.

3. The State Library, Archives, and Public Records (LAPR) is the division of the Arizona Secretary of State that is the archives for Arizona state government. LAPR has decided not to collect limited jurisdiction court records except for case files that have been designated as historically significant or landmark and presiding judge business papers. A presiding judge, upon the completion of the presiding judge's term may offer his or her business papers to LAPR. Other than with the exceptions set forth in this paragraph, a municipal or justice court need not notify LAPR prior to destruction of records.

4. Conflicting Legal Authority. To the extent that the retention periods specified in this schedule vary from any statutory provision, the longer period of retention, whether in the statute or in the schedule, applies.

5. Destruction. When a paper case file or other paper record is eligible for destruction, the records manager shall take proper precautions to protect the privacy of the individuals identified in the case file or other record and destroy the complete case file or other record by shredding, burning, or pulverizing the physical case file or other record. Electronic images of case file documents or other records and case or other records data shall be deleted from all places in which they or it reside(s), including servers and hard drives. The court may keep a list, containing minimal information, such as case number, case type, party name, and date of destruction, capturing any case files or other records

destroyed, so that the court will know that a case file or other record has been destroyed and has not been merely misplaced or never existed.

C. **Historically Significant and Landmark Cases.** Records managers shall comply with the following procedures for designating and transferring cases determined to be historically significant or landmark:

1. Designation of a case as historically significant

   a. Purpose. Certain cases filed in Arizona courts may be identified as historically significant because of the unique legal issue or controversy involved, the prominence of one or more of the parties to the action, or because of other high profile or newsworthy reasons. When there is reason to believe that a case falls into this category, the following procedures shall be followed.

   b. Procedure for designating a case as historically significant. A motion to request that a case be designated historically significant shall be filed either by a member of the public or on the court's own motion. The motion shall identify one or more reasons the case should be designated historically significant. The presiding judge shall decide the motion. If the motion is denied, the presiding judge shall identify the reason for the denial. The clerk shall file the order granting or denying the motion for historically significant designation with the case.

   c. Processing and transferring. If the motion is granted, the records manager shall, within 90 days of final disposition, transfer the case, a print-out of the register of actions or docket from the case management system, any exhibits not previously retrieved or destroyed, and any microfilm to LAPR for permanent retention. LAPR will accept diagrams, maps, photographs, and any other paper-based materials. LAPR will not accept three dimensional objects, clothing, or security-sensitive exhibits such as weapons, drugs, money, and bio-hazardous materials. Identification of the case as historically significant shall be prominently noted on the print-out of the register of actions or docket from the case management system transferred with the case to LAPR.

2. Designation of a case as landmark

   a. The following factors shall be considered in deciding whether a case is landmark:

      (1) The frequency with which the case has been cited;
      (2) Whether the case has been designated as historically significant;
      (3) Whether the case caused a change in policies or laws;
      (4) Whether the case affected a large portion of the community and was controversial;
      (5) Whether the case is generally viewed by the community as important;
      (6) Whether the case involved a famous or notorious individual or was the subject of a well-known book or film; and

(7) Any other relevant factor.
(8) Any case that has been the subject of a published opinion of the United States Supreme Court and has statewide or national impact shall be designated as a landmark case.

b. Procedure for designating a case as landmark

(1) The Arizona Historical Records Advisory Board shall designate a case as landmark under section (C)(2)(a)(1) and (3)–(8), above, in consultation with a committee convened by the Board for this purpose. The committee shall consist of Board members, retired appellate court judges or justices, law professors, historians, or other like persons who have objective, informed views about the long-term significance and effect of eligible published appellate opinions. The committee shall meet periodically to review all published appellate opinions no less than five years and no more than nine years after issued to determine whether any of these cases should be designated as landmark.
(2) No more than ten years after an appellate opinion is issued, and with the Board's approval, the Director of the Division of Arizona History and Archives shall provide written notice of landmark designation to the records manager of the court of origin, the clerk of the appropriate division of the court of appeals, and the clerk of the supreme court who shall apply the process for transferring the case to LAPR pursuant to (C)(2)(c), below.
(3) Landmark designation under subsection (C)(2)(a)(2) above shall be made by the presiding judge in the court of origin.

c. Processing and transferring. When a case has been designated as landmark, the clerk shall file the notice of this designation in the case. The records manager shall immediately transfer the case, a print-out of the register of actions or docket from the case management system, any exhibits not previously retrieved or destroyed, and any microfilm to LAPR for permanent retention. LAPR will accept diagrams, maps, photographs, and any other paper-based materials. LAPR will not accept three dimensional objects, clothing, or security-sensitive exhibits such as weapons, drugs, money, and bio-hazardous materials. Identification of the case as landmark shall be prominently noted on the print-out of the register of actions or docket from the case management system transferred with the case to LAPR.

D. Authority. Az. Const., Art. 6, §§ 3 and 23 authorize the supreme court to administer the courts of this state. Rule 29, Rules of the Supreme Court, requires the supreme court to adopt retention and disposition schedules for court records. A.R.S. §§ 22-124 and -428 authorize the municipal and justice courts to maintain and destroy records pursuant to rules established by the supreme court.

E. Retention and Disposition Schedule. Justice and municipal courts shall retain records according to the following schedule:

Record Series No.	Record Series Title	Retention Period with Court	Retention Period on Arizona Supreme Court and Local Court Public Websites	Retention Period in Case and Document Management Systems
CASE FILES				
	A. Civil traffic			
1.	i. Civil traffic, non-default	1 year after final adjudication and satisfaction of sanctions	1 year after final adjudication and satisfaction of sanctions	5 years after final adjudication and satisfaction of sanctions
2.	ii. Civil traffic default	1 year after satisfaction of sanctions	1 year after final adjudication and satisfaction of sanctions	5 years after final adjudication and satisfaction of sanctions
3.	iii. Parking violation, non-default, both statute and local ordinance	6 months after final adjudication and satisfaction of sanctions	6 months after final adjudication and satisfaction of sanctions	1 year after final adjudication and satisfaction of sanctions
4.	iv. Parking violation, default, both statute and local ordinance	6 months after satisfaction of sanctions	6 months after satisfaction of sanctions	1 year after satisfaction of sanctions
	B. Civil, other than traffic			

Record Series No.	Record Series Title	Retention Period with Court	Retention Period on Arizona Supreme Court and Local Court Public Websites	Retention Period in Case and Document Management Systems
5.	i. Order of protection, injunction against harassment, and injunction against workplace harassment – petitions granted	3 years after expiration of the order	3 years after expiration of the order. Only information regarding orders that have been served on the defendant can appear on court websites. See ARPOP 1(C)(6). No information about the plaintiff may appear. See 18 USC § 2265(d)(3).	3 years after expiration of the order
6.	ii. Order of protection, injunction against harassment, and injunction against workplace harassment – petitions not granted	1 year after denial or dismissal	N/A. Petitions not granted cannot appear on any court websites. See ARPOP 1(C)(6)	3 years after denial

Record Series No.	Record Series Title	Retention Period with Court	Retention Period on Arizona Supreme Court and Local Court Public Websites	Retention Period in Case and Document Management Systems
7.	iii. Orders dismissed	3 years after dismissal of the order	3 years after dismissal of the order. Only information regarding orders that have been served on the defendant can appear on court websites. See ARPOP 1(C)(6). No information about the plaintiff may appear. See 18 USC § 2265(d)(3).	3 years after dismissal of the order
8.	iv. Local ordinance violation, other than parking (See A. iii. and A. iv., above, for parking violations)	1 year after final adjudication and satisfaction of judgment	Not available on Arizona Judicial Branch Public Access to Case Information website. May be available on local court website for 1 year after final adjudication and satisfaction of judgment	5 years after final adjudication and satisfaction of judgment

Record Series No.	Record Series Title	Retention Period with Court	Retention Period on Arizona Supreme Court and Local Court Public Websites	Retention Period in Case and Document Management Systems
9.	v. Eviction	11 years after final judgment or the filing of an affidavit of renewal, whichever is later, or 1 year after voluntary dismissal	11 years after final judgment or the filing of an affidavit of renewal, whichever is later, or 1 year after voluntary dismissal	11 years after final judgment or the filing of an affidavit of renewal, whichever is later, or 1 year after voluntary dismissal
10.	vi. Small claims	11 years after final judgment or the filing of an affidavit of renewal, whichever is later, or 1 year after voluntary dismissal	11 years after final judgment or the filing of an affidavit of renewal, whichever is later, or 1 year after voluntary dismissal	11 years after final judgment or the filing of an affidavit of renewal, whichever is later, or 1 year after voluntary dismissal
11.	vii. General civil case, other than small claims	11 years after final judgment or the filing of an affidavit of renewal, whichever is later, or 1 year after voluntary dismissal or the filing of a satisfaction of judgment	11 years after final judgment or the filing of an affidavit of renewal, whichever is later, or 1 year after voluntary dismissal or the filing of a satisfaction of judgment	11 years after final judgment or the filing of an affidavit of renewal, whichever is later, or 1 year after voluntary dismissal or the filing of a satisfaction of judgment
	C. Criminal			
12.	i. Felony	6 months after discharge or transmittal to superior court	6 months after discharge or transmittal to superior court	3 years after discharge or transmittal to superior court

Record Series No.	Record Series Title	Retention Period with Court	Retention Period on Arizona Supreme Court and Local Court Public Websites	Retention Period in Case and Document Management Systems
13.	ii. Misdemeanor and criminal traffic	5 years after final adjudication and completion of sentence	5 years after final adjudication and completion of sentence	10 years after final adjudication and completion of sentence
14.	iii. DUI and OUI	8 years after final adjudication and completion of sentence	8 years after final adjudication and completion of sentence	10 years after final adjudication and completion of sentence
15.	iv. Domestic violence offense	8 years after final adjudication and completion of sentence	8 years after final adjudication and completion of sentence	10 years after final adjudication and completion of sentence
16.	v. Petty offense	1 year after final adjudication and completion of sentence	1 year after final adjudication and completion of sentence	1 year after final adjudication and completion of sentence
RECORD OF COURT PROCEEDING				
17.	A. The verbal record, including court reporter notes and electronic recordings of a court proceeding, hearing, or trial	No more than 3 years from completion of the case	N/A	N/A

Record Series No.	Record Series Title	Retention Period with Court	Retention Period on Arizona Supreme Court and Local Court Public Websites	Retention Period in Case and Document Management Systems
MISCELLANEOUS RECORDS				
18.	A. Records created or received by the court, but not filed	6 months after created or received, whichever is later	N/A	N/A
19.	B. Exhibits submitted at trial or hearing in any case type	Upon dismissal, disposition, or final appellate ruling, whichever comes later, and then 60 days after mailing notice to responsible persons to claim all evidence, all unless otherwise ordered by the court	N/A	N/A
ADMINISTRATIVE RECORDS				
20.	A. Chief presiding judge business papers	Until term is completed. The presiding judge may then contact LAPR to determine whether they wish to receive these papers.	N/A	N/A

Record Series No.	Record Series Title	Retention Period with Court	Retention Period on Arizona Supreme Court and Local Court Public Websites	Retention Period in Case and Document Management Systems
21.	B. Records held by a court human resources department	As required by law or local policy, whichever is later	N/A	N/A
22.	C. COJET records	After reference value served	N/A	N/A
23.	D. Jury records, non-financial	90 days from the date received by the court	N/A	N/A
24.	E. Statistical reports required by the AOC	1 year after the fiscal year prepared	N/A	N/A
	F. Court administration financial records			
25.	i. Bank account reconciliations, record of outstanding checks, record of deposits in transit, bank statements, canceled checks, canceled deposit slips, bank issued debit and credit memos, and any documentation that requests the adjustment or void of a court financial record	3 years after the fiscal year created or received	N/A	N/A
26.	ii. Expenditure records, including vouchers	3 years after the fiscal year prepared	N/A	N/A
27.	iii. Periodic summary budget reports	3 years after the fiscal year prepared	N/A	N/A
28.	iv. Periodic financial reports to state and local agencies	3 years after the fiscal year prepared	N/A	N/A

Record Series No.	Record Series Title	Retention Period with Court	Retention Period on Arizona Supreme Court and Local Court Public Websites	Retention Period in Case and Document Management Systems
29.	v. Triennial external review report required by the minimum accounting standards	Until subsequent audit received	N/A	N/A
30.	vi. Applications, records, and reports for grants received	3 years after submission of final grant report, unless otherwise required by the granting authority	N/A	N/A
31.	G. Administrative records not otherwise specified above.	1 year from date prepared or received, or until reference value served, whichever is earlier	N/A	N/A
32.	H. Warrants that are not part of a case file	1 year from date of return; If not returned, destroy upon expiration	N/A	N/A
33.	I. Administrative orders and directives	Permanent	N/A	N/A

Adopted by Administrative Order 2006-94, effective November 1, 2006. Amended by Administrative Order 2007-83, effective November 21, 2007. Amended by Administrative Order 2008-88, effective November 5, 2008. Amended by Administrative Order 2014-115, effective January 1, 2015. Amended by Administrative Order 2017-73, effective July 5, 2017. Technical amendment by Administrative Order 2018-53, effective June 5, 2018.

Supreme Court of Arizona
Administrative Office of the Courts
Court Services Division
1501 West Washington, Suite 410
Phoenix, AZ. 85007

MEMORANDUM

To: Limited Jurisdiction Court Presiding Judges
Limited Jurisdiction Court Administrators
Superior Court Clerks
Municipal and Justice Court Chief Clerks
Field Trainers

Cc: Court Services

From: Marcus Reinkensmeyer, Director Court Services Division

Date: July 10, 2018

Re: **Civil Judgments; LJ Retention Schedule Changes**

This memorandum serves to notify all limited jurisdiction courts of changes to the retention schedule for civil judgments in ACJA § 4-302, effective August 3, 2018. The legislature passed, and the Governor signed HB2240 which increases the time for execution of civil judgments and renewal of civil judgments from 5 years to 10 years. This required changes to record series numbers 9, 10, and 11 of ACJA § 4-302 from 6 years to 11 years. (See AO 2018-53, attached)

Judgments entered or renewed on or after August 2, 2013, are subject to the new legislation, and thus subject to the new retention schedule.

The AOC has completed changes reflecting the increased retention periods in AZTEC. Changes to AJACS are in progress. All non-ACAP courts will need to make updates to their retention practices accordingly.

Please contact Jennifer R. Albright at (602) 452-3453 or jalbright@courts.az.gov, if you have any questions.

Enclosures: 2

Thank you for your assistance in this matter.

Marcus W. Reinkensmeyer
Director, Court Services Division
Arizona Supreme Court, Administrative Office of Courts
602-452-3334
mreinkensmeyer@courts.az.gov

Lynn Golden
Administrative Assistant III
Caseflow Management and eCourt Services Units
Court Services Division
Arizona Supreme Court
1501 W. Washington Street, Suite 410
Phoenix, AZ 85007-3231
Phone: (602) 452-3195
Email: lgolden@courts.az.gov

EXHIBIT D

KeyCite Yellow Flag - Negative Treatment
Declined to Follow by Le Credit Lyonnais, S.A. v. Nadd, Fla.App. 5 Dist., September 10, 1999

109 Nev. 297
Supreme Court of Nevada.

Betty (Ratner) TRUBENBACH, Appellant,
v.
Victor AMSTADTER, Executor of the Estate of Morris M. Ratner, Deceased, Respondent.

No. 22692.
|
March 24, 1993.

Synopsis
Ex-wife filed creditor's claim, alleging that her deceased ex-husband still owed balance on foreign divorce judgment. The Eighth Judicial District Court, Clark County, Myron E. Leavitt, J., entered summary judgment in favor of decedent's estate, and ex-wife appealed. The Supreme Court held that six-year statute of limitations for enforcement of foreign judgments began to run when notice of valid foreign judgment was filed in district court.

Reversed and remanded.

West Headnotes (2)

[1] **Limitation of Actions**
⇐Notice

Six-year statute of limitations for enforcement of foreign judgments began to run when notice of valid foreign judgment was filed in district court. N.R.S. 11.190, subd. 1(a).

8 Cases that cite this headnote

[2] **Limitation of Actions**
⇐Causes of action in general
Limitation of Actions
⇐Notice

When party files valid foreign judgment in forum state, it constitutes new action for purposes of statute of limitations. N.R.S. 11.190, subd. 1(a).

4 Cases that cite this headnote

Attorneys and Law Firms

****288 *297** Law Offices of Thomas D. Beatty, Las Vegas, for appellant.

***298** Netzorg, Raleigh, Hunt & McGarry, Las Vegas, for respondent.

OPINION

PER CURIAM:

After a divorce trial, a California Superior Court awarded a $135,688.68 judgment to Betty Ratner Trubenbach (Trubenbach) on December 17, 1974. The judgment accrued interest at the rate of seven percent per annum from November 1, 1974, and provided for court costs of $900.00 and attorney's fees of $6,000.00.

Between December 17, 1974, and October 24, 1983, Morris M. Ratner (Ratner), Trubenbach's ex-husband, partially satisfied the judgment by paying Trubenbach $48,325.50. Ratner moved to Nevada in or around 1980, and Trubenbach had notice of his relocation. On November 1, 1983, Trubenbach timely renewed the judgment in California. Under California law, the judgment is still enforceable. Trubenbach, a California resident since 1974, never formally enforced the judgment in California.

Between December 1, 1988, and November 8, 1989, Ratner paid Trubenbach $1,000.00 per month. On November 9, 1989, Ratner died in Nevada. At the time of

his death, he was a Nevada resident. Victor Amstadter (Amstadter) is the duly appointed executor of Ratner's estate (the Estate). On January 18, 1990, the Estate filed a ninety-day notice to its creditors. On April 9, 1990, Trubenbach timely filed a creditor's claim in Nevada, claiming that Ratner still owed her $187,350.19. On May 7, 1990, the Estate rejected Trubenbach's claim on the grounds that the Nevada statute of limitations had expired. On August 8, 1990, Trubenbach served the Estate with a notice of renewal of the judgment which had been filed in the Superior Court of California for the County of Los Angeles. ****289** On July 17, 1991, Trubenbach filed a notice of foreign judgment in a Nevada district court.

The parties agree that the California judgment is valid, and that Nevada law applies to the dispute. *See Verreaux v. D'Onofrio,* 108 Nev. 142, 824 P.2d 1021 (1992) (a California resident's significant aggregation of contacts with Nevada created a substantial ***299** interest in Nevada's upholding its own law and policies). However, the parties dispute when the Nevada statute of limitations commences to run for the enforcement of a foreign judgment under the Uniform Enforcement of Foreign Judgments Act (UEFJA), NRS 17.330 to 17.400, inclusive. The enforceability of the judgment depends on this court's resolution of the issue of what date triggers commencement of the statute of limitations.

[11] With respect to the statute of limitations on the enforcement of judgments, California has a ten-year period and Nevada has a six-year period. Cal.Civ.Proc.Code § 683.020;[1] NRS 11.190(1)(a); NRS 17.350.[2] To protect a judgment debtor from the excessive compounding of interest, California prohibits the renewal of a judgment within five years.[3] Nevada places no limit on the number of times a party may timely renew a judgment. Concerning which statute of limitations applies to the enforcement of a foreign judgment, a question of first impression in Nevada, this court has five options as to when the Nevada six-year statute of ***300** limitations period starts to run: (1) the date of the entry of the original foreign judgment, (2) the date of the renewal of the foreign judgment in the rendering state, (3) the date the judgment debtor becomes a resident of Nevada, (4) the date on which the judgment creditor receives actual or constructive notice that the judgment debtor has become a resident of Nevada, or (5) the date on which a valid foreign judgment is registered in Nevada. We conclude option (5) is the most functional and that most likely intended by the Legislature.

Article IV, § 1 of the United States Constitution, the Full Faith and Credit Clause, provides:

> Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

In M'Elmoyle v. Cohen, 38 U.S. (13 Pet.) 312, 10 L.Ed. 177 (1839), the seminal case on statute of limitations with respect to the enforcement of foreign judgments, the United States Supreme Court stated as follows:

> [T]he statute of limitations may bar recoveries upon foreign judgments; ... ****290** the effect intended to be given under our Constitution to judgments, is, that they are conclusive only as regards the merits; the common law principle then applies to suits upon them, that they must be brought within the period prescribed by the local law, the lex fori, or the suit will be barred.

Id. 38 U.S. at 328; *see Watkins v. Conway,* 385 U.S. 188, 87 S.Ct. 357, 17 L.Ed.2d 286 (1966) (violation of equal protection clause for forum state to have different statutes of limitations for enforcement of foreign and domestic judgments); *Bacon v. Howard,* 61 U.S. (20 How.) 22, 25, 15 L.Ed. 811 (1857) ("rules of prescription remain ... in the full power of every State"). The United States Supreme Court reaffirmed *M'Elmoyle* in *Sun Oil v. Wortman,* 486 U.S. 717, 722, 108 S.Ct. 2117, 2121, 100 L.Ed.2d 743 (1988), stating that "the Constitution does not bar application of the forum State's statute of limitations to claims that in their substance are and must be governed by the law of a different State."

With respect to the application of NRS 11.190(1)(a) and NRS 17.350 to the enforcement of foreign judgments, three cases from sister states examining the UEFJA are instructive. In *Pan Energy v. Martin,* 813 P.2d 1142 (Utah 1991), the plaintiff obtained an Oklahoma judgment in September, 1982, and registered the judgment in Utah under Utah's version of the UEFJA in August, 1987. Under Oklahoma law, a judgment becomes unenforceable

***301** when the judgment creditor does not execute on it within five years. Consequently, the Oklahoma judgment became "dormant" in Oklahoma, the originating state, one month after the creditor filed it under the UEFJA in Utah, the forum state, which has an eight-year statute of limitations. The Utah Supreme Court held that "at least for purposes of enforcement, the filing of a foreign judgment under [the Utah Foreign Judgment Act] creates a new Utah judgment which is governed by the Utah statute of limitations." *Id.* at 1144.

In *Producers Grain Corporation v. Carroll,* 546 P.2d 285 (Okla.Ct.App.1976), a creditor filed a foreign judgment under the Oklahoma UEFJA more than three years, but less than five years, after it was entered. The *Carroll* court studied a statute similar to NRS 17.350, and stated that "[u]nder this provision the mere act of filing, in substance, transfers the properly authenticated foreign judgment into an Oklahoma judgment." *Id.* at 287. In *Carroll,* the court held that Oklahoma's special three-year statute of limitations for commencement of an action on a foreign judgment did not apply to enforcement proceedings under the Oklahoma UEFJA. *Id.* at 288.

Finally, in *Hunter Technology, Inc. v. Scott,* 701 P.2d 645 (Colo.Ct.App.1985), the Colorado Court of Appeals held that the mere filing of a valid foreign judgment creates a judgment in the sister state. In *Hunter Technology,* a creditor obtained a judgment in California in February, 1975, and registered it in Colorado in April, 1983. The court held that the creditor's simple act of filing made the foreign judgment identical to a Colorado judgment for all purposes. The court stated that "[t]he Uniform Act has no time deadlines for filing." *Id.* at 646. Therefore, the statute of limitations did not apply to the creditor's filing in Colorado. *Id.*

[2] Based on the foregoing cases and the fact that Nevada does not limit the number of times a party may renew a judgment, we conclude that when a party files a valid foreign judgment in Nevada, it constitutes a new action for the purposes of the statute of limitations. Thus, when Trubenbach filed a notice of a valid foreign judgment in a Nevada district court in July, 1991, NRS 11.190(1)(a) began running. Because the six-year statute of limitations has not expired, Trubenbach's claim is valid and enforceable in Nevada. We therefore reverse and remand this case to the district court for entry of judgment against the Estate.[4]

All Citations

109 Nev. 297, 849 P.2d 288

Footnotes

1 California Civil Procedure Code § 683.020 (West Ann.1987 & Supp.1992) provides:

Except as otherwise provided by statute, upon the expiration of 10 years after the date of entry of a money judgment or a judgment for possession or sale of property:

(a) The judgment may not be enforced.

(b) All enforcement procedures pursuant to the judgment or to a writ or order issued pursuant to the judgment shall cease.

(c) Any lien created by an enforcement procedure pursuant to the judgment is extinguished.

2 NRS 11.190(1)(a) provides:

Actions other than those for the recovery of real property, unless further limited by specific statute, can only be commenced as follows:

1. Within 6 years:

(a) An action upon a judgment or decree of any court of the United States, or of any state or territory within the United States, or the renewal thereof.

NRS 17.350, "Filing and status of foreign judgments," provides:

An exemplified copy of any foreign judgment may be filed with the clerk of any district court of this state. The clerk shall treat the foreign judgment in the same manner as a judgment of the district court of this state. A judgment so filed has the same effect and is subject to the same procedures, defenses and proceedings for reopening, vacating or staying as a judgment of a district court of this state and may be enforced or satisfied in like manner.

3 California Civil Procedure Code § 683.110(b) (West Ann.1987 & Supp.1992) provides:

A judgment shall not be renewed under this article if the application for renewal is filed within five years from the time the judgment was previously renewed under this article.

4 The Honorable Miriam Shearing, Justice, did not participate in the decision of this appeal.

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EXHIBIT “8”

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SB
VERNON A. NELSON, JR., ESQ.
Nevada Bar No.: 6434
THE LAW OFFICE OF VERNON NELSON
9480 S. Eastern Ave., Ste. 252
Las Vegas, NV 89123
T: 702-476-2500 | F: 702-476-2788
vnelson@nelsonlawfirmlv.com
Attorneys for Perfekt Marketing LLC

DISTRICT COURT

COUNTY OF CLARK, STATE OF NEVADA

PERFEKT MARKETING L.L.C, an Arizona limited liability company, Plaintiff, v. LEONIDAS P. FLANGAS, an individual; ATLANTIS CONCIERGE SERVICES, LLC, a Nevada limited liability company; DIAMOND DESTINATIONS, LLC, a Nevada limited liability company, Defendants.	Case No.: A-19-788870-F Dept No.: VIII **SUPPLEMENTAL BRIEF IN SUPPORT OF OPPOSITION TO DEFENDANT'S MOTION TO STRIKE**
LEONIDAS P. FLANGAS, an individual; ATLANTIS CONCIERGE SERVICES, LLC a Nevada limited liability company; DIAMOND DESTINATIONS, LLC a Nevada limited liability company, Counterclaimants, v. PERFEKT MARKETING, LLC, an Arizona limited liability company; JOHN DOES 1-5 ; XYZ CORP 1-5, Counterdefendants.	

COMES NOW Plaintiff, PERFEKT MARKETING, LLC ("Perfekt" or "Plaintiff"), by and through its counsel, The Law Office of Vernon Nelson, and files this Opposition ("Opposition") to Defendant LEONIDAS P. FLANGAS's ("Flangas") Motion to Strike or Relief from Void Judgment

THE LAW OFFICE OF VERNON NELSON
ATTORNEY AT LAW

(the "Motion to Strike"). This Opposition is based upon the pleadings and papers on file herein, the attached Points and Authorities, the exhibits attached hereto, and any oral argument by counsel that may be presented at a hearing on this matter.

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION AND RELEVANT PROCEDURAL HISTORY

On May 5, 2014 a judgment was entered against Flangas in Maricopa County, Arizona in *Perfekt Marketing, LLC v. Leonidas P. Flangas, et al.*, Case No.: CV2012-002215. Although defendants in this case made payments against the judgment amount in the years following the judgment order, the judgment has not been satisfied. Given the outstanding judgment balance, Perfekt retained counsel to domesticate the valid Arizona judgment to Nevada, the state of Flangas' domicile (the "Judgment").

On February 5, 2019 Plaintiff concurrently filed with this honorable court an Application of Foreign Judgment ("Application") and a Notice of Filing Application of Foreign Judgment and Affidavit of Judgment ("Notice"). ***The Application was filed on February 5, 2019 and the Notice was filed on February 6, 2019.***

Plaintiff mailed Notice via United States Postal Service ("USPS") Certified Mail to Flangas and Flangas' Arizona counsel. Flangas' Arizona counsel received the Notice on February 11, 2019. However, Plaintiff was not able to obtain a return receipt or other proof that the certified mail was delivered to Flangas. Thus, out of an abundance of caution, Plaintiff made further attempts to deliver the Notice by retaining a licensed process server. After months of delay while attempting to deliver the Notice, the Notice was eventually delivered to Flangas on June 6, 2019.

Flangas subsequently filed his Motion to Strike on the basis that the Arizona judgment was expired and that delayed ***service*** of the Notice should prevent Plaintiff's Application from acting as a valid entry of judgment in Nevada. Plaintiff opposed his motion on the basis that the underlying

Arizona judgment was valid at the time the Application was filed with this honorable court and that the delayed ***service*** of the Notice has no bearing on whether the Judgment was a valid Nevada judgment. Thus, Plaintiff contended the Judgment must remain and Defendant's Motion to Strike, must be denied. Defendant filed a Reply but failed to address the fact that the Application was filed when the Judgment was still valid in Arizona.

This matter has been continued on multiple occasions. However, at the scheduled November 14, 2019 hearing, the Court requested supplemental briefing on whether the effective date of a foreign judgment is the date the foreign judgment is filed; or if it is the date the foreign judgment is served. As Plaintiff explained in its original Opposition, the effective date of the foreign judgment is the date the foreign judgment is filed. In this case, it is undisputed that the Judgment was filed on February 5, 2019. It is also undisputed that on February 5, 2019, the Judgment was still valid in Arizona. Thus, the Judgment is a valid and effective Nevada Judgment.

II. LEGAL ARGUMENT

A. THE FILING DATE OF APPLICATION OF FOREIGN JUDGMENT IS THE EFFECTIVE DATE OF THE NEVADA JUDGMENT.

NRS § 17.350 provides that "An exemplified copy of any foreign judgment may be filed with the clerk of any district court of this state. The clerk shall treat the foreign judgment in the same manner as a judgment of the district court of this state. A judgment so ***filed*** has the same effect and is subject to the same procedures, defenses and proceedings for reopening, vacating or staying as a judgment of a district court of this state and may be enforced or satisfied in like manner". Emphasis added.

In addition, in *Trubenbach v. Amstadter*, 849 P.2d 288, 290 (1993) the Nevada Supreme Court held that" ... when a party ***files*** a valid foreign judgment in Nevada, it constitutes a new action for the purposes of the statute of limitations ... " Emphasis added. In *Trubenbach*, the question presented was what is the point at which the statute of limitations period starts to run on a foreign judgment. ***The***

court concluded the operative date for the entry of the foreign judgment was the "date on which a valid foreign judgment is registered in Nevada." Id. at 298.

The facts in *Trubenbach* are on all fours with this case. In *Trubenbach*, the California Superior Court had awarded a $ 135,688.68 judgment to Plaintiff on December 17, 1974 (the "CA Judgment"). *Id.* at 298-301. Between December 17, 1974, and October 24, 1983, Defendant satisfied a portion of the CA Judgment. *Id.* Defendant moved to Nevada around 1980. *Id.* Subsequently, Plaintiff timely renewed the CA Judgment in California. *Id.* Plaintiff never formally enforced the CA Judgment in California. *Id.* Defendant made certain monthly payments to Plaintiff between December 1, 1988, and November 8, 1989. *Id.*

On November 9, 1989, Defendant in Nevada and at the time of his death, he was a Nevada resident. *Id.* Plaintiff timely filed a creditor's claim in Nevada, claiming that Defendant still owed her $ 187,350.19 pursuant to the CA Judgment. *Id.* However, Defendant's Estate denied the claim on the grounds that the Nevada statute of limitations had expired. *Id.* On July 17, 1991, Plaintiff filed a notice of foreign judgment in a Nevada district court. *Id.* Importantly, the CA Judgment was valid and enforceable in California on the date that Plaintiff filed her notice of foreign judgment in district court. *Id.*

The parties dispute centered on when the Nevada statute of limitations commences to run for the enforcement of a foreign judgment under the Uniform Enforcement of Foreign Judgments Act (UEFJA), NRS 17.330 to 17.400, inclusive. *Id.* The Court concluded that Nevada's six-year statute of limitations period starts to run on the date on which a valid foreign judgment is registered in Nevada. *Id.* In reaching this conclusion, the Court found three cases from sister states examining the UEFJA to be instructive. *Id.*

For example, the Court considered the decision in *Producers Grain Corporation v. Carroll*, 546 P.2d 285 (Okla. Ct. App. 1976). In *Carroll*, the plaintiff filed a foreign judgment under the

Oklahoma UEFJA more than three years, but less than five years, after it was entered. *Id.* (internal citations omitted). The Nevada Supreme Court noted that the *Carroll* court studied a statute similar to NRS 17.350 and stated that ***"under this provision the mere act of filing, in substance, transfers the properly authenticated foreign judgment into an Oklahoma judgment."*** *Id.* (emphasis added).

The Court also considered the decision in *Hunter Technology, Inc. v. Scott*, 701 P.2d 645 (Colo. Ct. App. 1985). *Id.* In *Hunter Technology,* the Colorado Court of Appeals held that ***the mere filing of a valid foreign judgment creates a judgment in the sister state.*** *Id.* (internal citations omitted and emphasis added). The Court noted that Plaintiff had obtained a judgment in California in February, 1975, and registered it in Colorado in April, 1983. *Id.* The *Hunter Technology* Court held that the Plaintiff's ***simple act of filing made the foreign judgment identical to a Colorado judgment for all purposes***. *Id.* Finally, the *Hunter Technology* court pointed out that "the Uniform Act has no time deadlines for filing." *Id.* Thus, the *Hunter Technology* court concluded the statute of limitations did not apply to the creditor's filing in Colorado. *Id.*

Finally, the Court considered *Pan Energy v. Martin*, 813 P.2d 1142 (Utah 1991); which is indistinguishable from the case at bar. *Id.* In *Pan Energy,* plaintiff obtained an Oklahoma judgment in September, 1982. *Id.* (internal citations omitted). Plaintiff subsequently registered the judgment in Utah under Utah's version of the UEFJA in August, 1987. The Oklahoma Judgment was valid and enforceable under Oklahoma law for a period of five years. ***Thus, the Oklahoma Judgment became "dormant" in Oklahoma one month after Plaintiff filed it under the UEFJA in Utah. Id. Nevertheless, the Utah Supreme Court determined that August 1987 registration was valid and that it created a new created a new Utah judgment*** that was governed by the Utah statute of limitations. *Id.*

The Nevada Supreme Court followed *Pan Energy, Hunter Technology,* and *Carroll and* concluded that when a party files a valid foreign judgment in Nevada, it constitutes a new action for

the purposes of the statute of limitations. *Id.* Thus the Court determined that when Plaintiff ***filed a notice of a valid foreign judgment in a Nevada district court in July, 1991***, the six-year statute of limitations set forth in NRS 11.190(1)(a) was triggered. *Id.* The Court concluded that since the six-year statute of limitations had not expired, the Plaintiff's claim was valid and enforceable in Nevada. In the end, the Court reversed and remanded the case to the district court with instructions for the Court to enter judgment against the Estate.

In this case it is undisputed that Judgment was valid in Arizona until May 4, 2019. Thus, when Plaintiff filed the Notice of Foreign Judgment on February 5, 2019 the Judgment was still valid in Arizona. Thus, per *Trubenbach; supra,* when Plaintiff filed the notice of the valid Judgment on February 5, 2019, Plaintiff obtained a claim against Defendant that is subject to the six-year statute of limitations.

Again, this case is indistinguishable from *Pan Energy; supra.* Like the Plaintiff in *Pan Energy,* Perfekt filed the Judgment with the district court while the Judgment was valid in Arizona. *Id.* Thus, like the judgment in *Pan Energy*, the Judgment: (1) became a valid Nevada judgment upon filing in the district court; and (2) the judgment is enforceable for six-years in accordance with Nevada law. Like the judgment in the *Pan Energy* case, the Judgment in this case was not renewed and/or became dormant shortly after filing in the district court. However, like the judgment in the *Pan Energy* case, it was not necessary for Plaintiff to renew the judgment in Arizona because the Judgment became a valid Nevada judgment when it was filed in the district court on February 5, 2019.

In this regard, it is important to note that neither the *Trubenbach* Court, nor the other sister-state courts considered the possibility that ***service*** of the notice is required for a foreign judgment to become a valid and enforceable judgment. In fact, no part of NRS 17.330 et seq. (and the similar sister-state UEFJ provisions) require the service of a notice of a foreign judgment.

In this regard, it is important to note that NRS 17.350 relates to the effectiveness and validity of the foreign judgment; and, on its face, it does not contain any provision relating to ***service*** of a foreign judgment. This section makes it clear that once an exemplified copy of a foreign judgment is ***filed*** with the district court, the clerk must treat the foreign judgment as though it was a judgment of the district court. This section also states that a foreign judgment has the same effect and is subject to the same procedures, defenses and proceedings for reopening, vacating or staying as a judgment of a district court of this state and may be enforced or satisfied in like manner. ***Again, the provisions of this section are predicated on filing; and they are not predicated on service.***

Importantly, the enforcement of the judgment is also not predicated on service. Specifically, NRS 17.360 provides that no execution or other process for enforcement of a foreign judgment may issue until 30 days after the date of ***mailing the notice of filing.*** In this case, Plaintiff was not required to ***serve*** the Plaintiff with any document prior to taking any action to enforce the Judgment. However, as is mentioned above, Plaintiff could not obtain a return-receipt or other proof showing that Defendant received the Notice. Thus, out of an abundance of caution, Plaintiff hired a licensed process server to deliver the Notice to Defendant.

Based on the foregoing, it is clear that NRS 17.330 et seq. did not required Plaintiff to serve the Defendant to: (1) obtain a valid enforceable judgment; and (2) enforce the judgment. Plaintiff only employed a licensed process server to ensure that Defendant received the Notice; after it was unable to obtain proof that Defendant received the Notice via Certified Mail. Accordingly, Defendant's Motion to Strike must be denied.

B. PLAINTIFF HAS FAILED TO CITE ANY TO ANY AUTHORITIES THAT HAVE REQUIRED THAT NOTICE OF A FOREIGN JUDGMENT BE SERVED ON THE DEFENDANT AS THOUGH IT WERE PROCESS.

In his Opening Brief, Plaintiff made repeated, incomplete, and conclusory claims that the Judgment is void. Finally, on page 4 of his Opening Brief, Plaintiff articulated the following argument that the Judgment is void because he was not ***served*** with the Judgment until after it had expired in Arizona:

> Nevada recognizes that due process applies to domestications of foreign judgments. The service of the instant action and due process notice was delayed past the five-year limitation on renewal in Arizona, and the judgement lapsed before service on Flangas. There is no evidence of a valid judgement which now can be domesticated.
>
> Due process does not allow an Arizona judgement be domesticated in Nevada prior to notice to defendant. By the time the domestication was filed on February 5, the judgement was due to and did expire as a matter of law in Arizona on May 5, 2019. Service was not effectuated on Flangas until one month after the judgment lapsed. Full faith and credit commands Nevada to honor the failure to renew the Arizona judgement timely and strike the domestication of the lapsed judgement in Nevada.

As the Court can plainly see, Defendant's argument is not supported by any authority whatsoever. In fact, based on the Section IIA above, it is clear that Defendant's argument is contrary to NRS 17.330 et seq. and the Nevada Supreme Court's decision in *Trubenbach v. Amstadter*, 849 P.2d 288, 290 (1993).[1]

Similarly, in his Reply Brief, Plaintiff has made repeated, incomplete, and conclusory claims that the Judgment is void. Again however, Plaintiff has failed to produce any evidence or any authority that contradicts the clear conclusion that:

(1) Plaintiff filed the Judgment with the district court when the Judgment was still valid in Arizona;

(2) Upon the filing with the district court, the Judgment became a valid Nevada judgment;

(3) the fact that the Judgment was not renewed in Arizona is irrelevant; and

---

[1] The parties raised additional issues in their briefing; including arguments relating to whether the Judgment is valid for five-years or ten-years. This Supplement does not address these arguments because Plaintiff understands the Court requested the parties to focus their briefing on whether the effective date of a foreign judgment is the date the foreign judgment is filed; or if it is the date the foreign judgment is served.

(4) Plaintiff was not required to serve the Defendant with the Notice in order for the Judgment to be valid and enforceable in Nevada.

III. CONCLUSION

For all the foregoing reasons, Defendant's Motion to Strike must be denied.

DATED this 2nd day of January, 2020.

THE LAW OFFICE OF VERNON NELSON

By: _____

VERNON A. NELSON, JR., ESQ.
Nevada Bar No.: 6434
6787 W. Tropicana Ave, Ste. 103
Las Vegas, NV 89103
T: 702-476-2500 | F: 702-476-2788
E-Mail:
vnelson@nelsonlawfirmlv.com
Attorneys for Perfekt Marketing LLC

CERTIFICATE OF SERVICE
Case No.: A-19-788870-F, Dept. 8

I, Paula A. Keller, declare:

I am over the age of eighteen (18) years and not a party to the within entitled action. I am employed by The Law Office of Vernon Nelson, PLLC, 6787 W. Tropicana Avenue, Ste. 103, Las Vegas, Nevada 89103. I am readily familiar with The Law Office of Vernon Nelson, PLLC's practice for collection and processing of documents for delivery by way of the service indicated below.

On January 2, 2020, I served the following document(s):

SUPPLEMENTAL BRIEF
IN SUPPORT OF OPPOSITION
TO DEFENDANT'S MOTION TO STRIKE

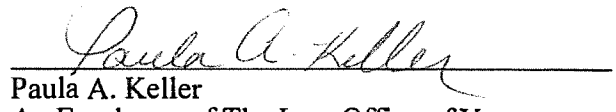
on the interested party(ies) in this action as follows:

☐ **By Mail.** By placing said document(s) in an envelope or package for collection and mailing, addressed to the person(s) at the address(es) listed above, following our ordinary business practices. I am readily familiar with the firm's practice for collection and processing of mail. Under that practice, on the same day that mail is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service, in a sealed envelope or package with the postage fully prepaid.

☐ **By Facsimile Transmission.** Based on an agreement of the parties to accept service by facsimile transmission or by Court order; or as a courtesy copy, I caused said document(s) to be transmitted to the person(s) at the facsimile number(s) listed above. The facsimile transmission was reported as complete and a copy of the transmission report will be maintained with the document(s) in this office.

■ **By Electronic Service.** Pursuant to Administrative Order 14-2 and Rule 9 of the NEFCR I caused said documents(s) to be transmitted to the person(s) identified in the E-Service List for this captioned case in Odyssey E-File & Serve of the Eighth Judicial District Court, County of Clark, State of Nevada. A service transmission report reported service as complete and a copy of the service transmission report will be maintained with the document(s) in this office.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.



Paula A. Keller
An Employee of The Law Office of Vernon Nelson

EXHIBIT “9”

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IAN CHRISTOPHERSON, ESQ.
Nevada Bar No. 3701
600 South Third Street
Las Vegas, NV 89101
Email: iclaw44@gmail.com
Telephone: (702) 372-9649
Attorneys for Defendant, Leonidas P. Flangas

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

PERFEKT MARKETING L.L.C, an Arizona limited liability company, Plaintiff, v. LEONIDAS P. FLANGAS, an individual; ATLANTIS CONCIERGE SERVICES, LLC, a Nevada limited liability company; DIAMOND DESTINATIONS, LLC, a Nevada limited liability company, Defendants.	Case No.: A-19-788870-F Dept. No.: VIII DEFENDANT FLANGAS SUPPLEMENTAL BRIEF
LEONIDAS P. FLANGAS, an individual; ATLANTIS CONCIERGE SERVICES, LLC a Nevada limited liability company; DIAMOND DESTINATIONS, LLC a Nevada limited liability company, Counterclaimants, v. PERFEKT MARKETING, LLC, an Arizona limited liability company; JOHN DOES 1-5; XYZ CORP 1-5, Counterdefendants.	Hearing Date: 2/27/20 Hearing Time: 9:00 a.m.

DEFENDANT FLANGAS SUPPLEMENTAL BRIEF

Defendant Leonidas ("Leo") P. Flangas, by and through his counsel of record, Ian Christopherson, Esq. hereby file this Supplemental Briefing on Defendant Leo P. Flangas' Motion to Strike (collectively the "Motion"). The Motion must be granted. Perfekt Marketing, LLC (hereinafter "Perfekt" or Plaintiff) is attempting to collect on a void judgment as the time for collection has passed, and they failed to properly renew the Judgment obtained on May 5, 2014 (the "Judgment") in the original action commenced in Arizona, *Perfekt Marketing, LLC v. Leonidas Flangas, et al.*, Superior Court, Maricopa County, State of Arizona, Case No. CV2012-002215 (the "Arizona action").

At time of entry of the settlement agreement by the parties and according to Arizona statute, the judgment was collectible for only five years. That period has expired, and Perfekt can no longer collect upon the Judgment.[1] The Motion should be granted with the Judgment being rendered void, any judgment liens recorded with the Clark County Recorder or elsewhere deemed void, and Perfekt being prevented from scheduling any unlawful judgment debtors examination, serving garnishments or other actions ordinarily permitted to enforce lawful judgments.

This Supplemental Briefing is made and based upon all the records and pleadings on file herein, the Declarations of Leonidas Flangas, all documents filed in his matter, any arguments

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///

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[1] The Arizona legislature changed the statute of limitations for judgments to 10 years in 2018, but as the Judgment proceeded that time the statute's former version (which only allowed for a five-year collection period) applies to this matter.

which this Court may entertain as well as the points and authorities attached hereto.

Dated this 25th day of February 2020.

By: /s/ Ian Christopherson
IAN CHRISTOPHERSON, ESQ.
Nevada Bar No. 3701
Attorney for Defendant, Leonidas P. Flangas

MEMORANDUM OF POINTS AND AUTHORITIES

I.

BRIEF STATEMENT OF FACTS

On May 5, 2014 the Judgment was entered in the former Arizona action. Exhibit A, Notice of Filing Application for Foreign Judgment and Affidavit of Judgment, Exhibit 1 at Exhibit 1, Judgment dated May 5, 2014. At the time of executing the Settlement Agreement, the Judgment would be collectible for only five years. Additionally, under Arizona statute, the Judgment would only be collectible for five years, and the affidavit of renewal must be filed 90 days prior to five-year expiration. A.R.S. § 12–1612(B). Plaintiff failed to renew the Judgment by filing an affidavit of renewal 90 days prior to the five-year period. As a result, the Judgment is void.

II.

LEGAL ARGUMENT

A. THE DOMESTICATED JUDGMENT SHOULD BE DEEMED VOID AND SET ASIDE AS THE SETTLEMENT AGREEMENT ALLOWED FOR A FIVE-YEAR COLLECTION PERIOD

Plaintiff claims that "[i]t is also undisputed that on February 5, 2019, the Judgment was still valid in Arizona." [Plaintiff's Supplemental Brief in Support Of Opposition to Defendant's Motion to Strike, p. 2, hereafter "Pl. Br."] Rather, under Arizona statute, it is clear that the Judgment would only be valid and collectible for five years, and the affidavit of renewal must be filed 90 days prior to five-year expiration. A.R.S. § 12–1612(B). Perfekt did not renew the Judgment by filing an affidavit of renewal 90 days prior to the five-year period. As a result, the Judgment is void.

Plaintiff cannot dispute the fact that the Judgment is now void and should be set aside, stricken, and any liens released. A judgment or order may be set aside or vacated pursuant to NRCP 60(b) if the judgment is void, been released, or any other reason that justifies relief. A

motion seeking relief based on these prerequisites is not confined to a six-month deadline for seeking relief. *Id.*

As described below, the Judgment was not renewed in accordance with Arizona Statute and in accordance with interpretation of the Arizona courts of review. As the facts and law are incontrovertible, this Defendant's Motion must be granted.

Both Arizona and Nevada state courts have held that parties can set their own statute of limitations or collection periods. The Arizona Court of Appeals has held that "[n]otwithstanding any general rule of accrual, *the parties may agree on notice or cure periods* that as a practical matter will toll the accrual of a claim for breach of the guaranty until some point after a breach of the underlying obligation." *Mill Alley Partners v. Wallace*, 236 Ariz. 420, 424, 341 P.3d 462, 466 (Ariz. App. 2014), as amended on reconsideration (Mar. 17, 2015) (emphasis added). See *Provident Nat'l Assurance Co. v. Sbrocca,* 180 Ariz. 464, 466, 885 P.2d 152, 154 (Ariz. App. 1994) ("The nature and extent of a guarantor's liability depends upon the terms of the contract."); *United States v. Gottlieb,* 948 F.2d 1128, 1129–30 (9th Cir. 1991) (when guaranty required written demand for performance, claim for breach did not accrue until after demand was made).

Further, other courts such as the Maryland Supreme Court held in *Henry's Drive–in, Inc. v. Pappas,* 264 Md. 422, 287 A.2d 35, 38 (1972) that the limitations begins to run when plaintiff could have made demand for performance. The Court went on to opine:

> The modern view is that when the maturity of the cause of action is dependent upon the performance of an act within the control of the plaintiff, limitations will run from the time the plaintiff could have acted, without a demand being made. If this were not so, the plaintiff could indefinitely postpone the statutory bar.

Id. at 428. And the New Mexico Court of Appeals has explained:

> Generally, a judgment which is clear and unambiguous must be enforced, and neither pleadings, findings nor matters outside the record may be considered to

> change the meaning of the judgment. However, when the meaning of the judgment is doubtful or ambiguous, the judgment, pleadings, and the entire record may be resorted to for the purpose of construing the judgment. Moreover, while a stipulated judgment, such as the one before us in this case, is not considered to be a judicial determination, but a contract between the parties, it is still construed in the same way that a judgment is construed.

Williams v. Crutcher, 2013-NMCA-044, ¶ 8, 298 P.3d 1184, 1186-87 (N.M. App. 2013), citing *Owen v. Burn Constr. Co.,* 90 N.M. 297, 299, 563 P.2d 91, 93 (1977) ("[W]here the language of a contract is clear and unambiguous, the intent of the parties must be ascertained from the language and terms of the agreement." (internal quotation marks and citations omitted)).

In sum, the Nevada Supreme Court has stated, "[w]hen a party makes a contract and reduces it to writing, he must abide by its terms as he has plainly stated them." *Farquhar Co. v. Hardy Hardware Co.,* 174 N.C. 369, 375, 93 S.E. 922, 925 (Nev. 1917). In light of the fact that the parties in this matter agreed to a five-year collection period, the ongoing collection efforts are void as beyond the agreed upon duration.

B. THE DOMESTICATED JUDGMENT SHOULD BE DEEMED VOID AND SET ASIDE BECAUSE IT WAS NOT RENEWED IN ACCORDANCE WITH ARIZONA STATUTE

1. The Judgment was improperly renewed and therefore failed in strict compliance with Arizona statutes

Under Ariz. Rev. Stat. § 12-1612, a judgment may be renewed when the judgment creditor files the proper affidavit within 90 days preceding the expiration of five years from the date of the judgment. The judgment claimed by Perfekt is void as it was not properly renewed in the Arizona court. See *Triple E Produce Corp. v. Valencia,* 170 Ariz. 375, 824 P.2d 771, 96 Ariz. Adv. Rep. 145, 1991 Ariz. App. LEXIS 266 (Ariz. App. 1991) ("Because the recorded judgment is a statutory lien on the nonexempt real property of a judgment debtor, *the statutory requirements must be followed strictly in* order that a judgment be renewed.") (emphasis added).

At the time of the parties' litigation, the limitations period set forth in the statutes was

five years.[2] See *Harle v. Williams*, 246 Ariz. 330, 438 P.3d 699, 701 (Ariz. App. 2019) ("At the relevant time, A.R.S. § 12–1551(B) prohibited the issuance of writs of execution or other process on a judgment "after the expiration of five years from the date of its entry unless the judgment is renewed by affidavit or process pursuant to § 12–1612 or an action is brought on it within five years from the date of the entry of the judgment or of its renewal." *Id.*

Thus, a judgment becomes unenforceable if not renewed within the prescribed statutory time. *J.C. Penney v. Lane*, 197 Ariz. 113, 118 ¶ 24, 3 P.3d 1033, 1038 (Ariz. App. 1999). Further, "[t]he judgment creditor must act to prevent expiration, not the debtor; if the creditor fails to renew the judgment, it expires, without any action by the judgment debtor." *Crye v. Edwards,* 178 Ariz. 327, 873 P.2d 665 (Ariz. App. 1993).

2. Nevada courts also demand strict compliance with statutes concerning renewal of judgments

In the same spirit as Arizona, the Nevada Supreme Court has held that the statutes related to renewal of judgments demand strict compliance. NRS § 17.214; *Leven v. Frey*, 123 Nev. 399, 168 P.3d 712, 719, (Nev. 2007) (providing that the Nevada Supreme Court's "interpretation of the statute's [NRS§ 17.214] timing requirements and our conclusion that those requirements must be *complied with strictly*, is consistent with the general tenet that 'time and manner' requirements are strictly construed, whereas substantial compliance may be sufficient for 'form and content' requirements.") (emphasis added).

Similar to Nevada, in Arizona, "judgments may be renewed either by action within five years after the date of the judgment under A.R.S. § 12–1611 (2010) or by affidavit pursuant to § 12–1612(B). If the judgment creditor proceeds by filing an affidavit, it must be filed 'within ninety days preceding the expiration of five years from the date of entry of such judgment.'"

[2] The Legislature has since amended A.R.S. §§ 12–1551 and 12–1612 to increase the limitations period to 10 years.

Cristall v. Cristall, 225 Ariz. 591, 594, 242 P.3d 1060, 1063 (Ariz. App. 2010).

The Nevada Supreme Court has held that a domesticated judgment may be attacked for lack of due process or lack of jurisdiction. *Rosenstein v. Steele*, 103 Nev. 571, 573, 747 P.2d 230, 231–32 (Nev. 1987). In the case at bar, the Judgment is clearly invalid as this Court does not have jurisdiction to enforce a judgment that would not be recognized as valid from the original jurisdiction. See *Id.*

Perfekt did not file a timely renewal of the May 2014 Judgment, and it is unenforceable. See *Phares v. Nutter,* 125 Ariz. 291, 293, 609 P.2d 561, 563 (Ariz. 1980) ("foreign judgments may be attacked if the rendering court lacked jurisdiction over the person or subject matter, the judgment was obtained through lack of due process, the judgment was the result of extrinsic fraud, or if the judgment was invalid or unenforceable.").

As the Judgment is unenforceable, Defendant should be protected from any unlawful efforts to collect upon the same. Plaintiff is not permitted to further any efforts of "execution or other [related] process..." to enforce or collect upon this void Judgment. *See* A.R.S. §§ 12–1611, 12-1612(B); *Cristall*, supra, at 1063.

C. ENFORCEMENT OF THE ARIZONA JUDGMENT SHOULD BE DENIED BECAUSE OF PLAINTIFF'S FAILURE TO COMPLY WITH THE UNIFORM ENFORCEMENT OF FOREIGN JUDGMENTS ACT

The Nevada Supreme Court explained:

> To further the principle of comity, Nevada adopted the UEFJA in NRS 17.330 through 17.400. Under this act, a properly filed foreign judgment has the same effect and is subject to the same procedures, defenses, and proceedings for reopening, vacating, or staying as a Nevada district court judgment, and may be enforced or satisfied in like manner.

2018 Ariz. Sess. Laws, ch. 36, § 1 (2d Reg. Sess.).

City of Oakland v. Desert Outdoor Advert., Inc., 127 Nev. 533, 537, 267 P.3d 48, 50-51 (Nev. 2011), citing NRS § 17.350. The Court went on to state that Nevada's UEFJA applies to all foreign judgments filed in Nevada district court for the purpose of enforcing the judgment in Nevada. *Id.*, citing NRS §§ 17.340 and 17.350.

However, the Court noted that "not all judgments are entitled to full faith and credit in Nevada." Specifically, the Court said that "defenses such as lack of personal or subject-matter jurisdiction of the rendering court, fraud in the procurement of the judgment, lack of due process, satisfaction, or other grounds that make the judgment invalid or unenforceable may be raised by a party seeking to reopen or vacate a foreign judgment." *Id.,* citing 30 AM. JUR. 2D EXECUTIONS AND ENFORCEMENT OF JUDGMENTS § 787 (2005).

In *Freidson v. Cambridge Enters.,* 2010 Nev. LEXIS 116, at *1 (Nev. Feb. 26, 2010), the supreme court held that a California judgment that had been domesticated in Nevada but had become dormant under the six-year limitation period in Nev. Rev. Stat. § 11.190(1)(a) for enforcement of judgments could not be refiled and redomesticated in Nevada; although it remained valid under the Cal. Code Civ. Proc. § 683.020(a) limitation period, because it had not been *renewed in California prior to redomestication*. The Court held that while in *Bianchi v. Bank of Am., N.A.,* 124 Nev. 472, 476, 186 P.3d 890, 892-93 (Nev. 2008), it decided that those seeking to redomesticate a valid foreign judgment in Nevada may do so even after the limitation period on judgments has expired, *the Court declined to extend this holding to foreign judgments that have not been renewed prior to redomestication in Nevad*a, despite their validity under the issuing state's limitation period. Therefore, Freidson's refiled judgment was invalid. *Id.*

Plaintiff failed to comply with the 90-day reqirement of the renewal statute. As such, the Arizona Judgment cannot be domesticated and enforced by this Court.

D. ENFORCEMENT OF THE ARIZONA JUDGMENT SHOULD BE DENIED BECAUSE PLAINTIFF FAILED TO PROVIDE PROMPT NOTICE AND TO CONDUCT VERIFICATION THAT PROPER NOTICE WAS GIVEN TO DEFENDANT

Under Nevada law, the judgment creditor must upon filing the foreign judgment and affidavit, promptly give notice to the judgment debtor and *verify to the court that the notice was given. Kabana, Inc. v. Best Opal, Inc.,*2007 U.S. Dist. LEXIS 10947, at *9 (D. Nev. Feb. 8, 2007), citing NRS § 17.360.

It is clear that Plaintiff failed to verify to the Court that the notice was given. Plaintiff states in its motion that it "was not able to obtain a return receipt or other proof that the certified mail was delivered to Flangas," and that "the Notice was eventually delivered to Flangas on June 6, 2019." [Pl. Br., p. 2]. The term "verify" means "to confirm or substantiate in law by oath." See *State v. Pray,* 64 Nev. 179, 187, 179 P.2d 449, 453 (Nev. 1947) (noting that to "verify" a document means to swear or affirm its truth under oath).

Here, it is clear from the record and from Plaintiff's own admission that any purported verification was not accomplished until four months after it had submitted pleadings to this Court to domesticate the Arizona Judgment. This four-month delay is not "prompt" notice, nor is it timely verification. In light of this fact, Plaintiff has failed to properly comply with the requirements of NRS § 17.360. This inexcusable delay prejudiced Defendant, and because of this, his motion should be granted.

E. ENFORCEMENT OF THE ARIZONA JUDGMENT SHOULD BE DENIED BECAUSE OF THE VIOLATION OF DEFENDANT'S DUE PROCESS

The state of Nevada has few court decisions on the issue of due process in domesticated judgments. In 2007, the Nevada Supreme Court held that the correct procedure was not followed where an appellant never received notice and an opportunity to be heard before he was rendered individually liable on the domesticated foreign judgment. This was a deprivation of his property

and a violation of his due process rights. *Callie v. Bowling,* 123 Nev. 181, 182, 160 P.3d 878, 878 (Nev. 2007).

In addition, other jurisdictions have held that courts will not give full faith and credit to a judgment where there was a denial of due process. The judgment debtor must receive notice and be given an opportunity to be heard. As a New Jersey appellate court explained:

> When viewed through the prism of due process protections, a foreign judgment will not be entitled to full faith and credit in New Jersey if a defendant can demonstrate the forum state lacked personal or subject matter jurisdiction, or if a defendant was denied adequate notice and a reasonable opportunity to be heard.

Sonntag Reporting Serv., Ltd. v. Ciccarelli, 374 N.J. Super. 533, 538, 865 A.2d 747 (N.J. App. Div. 2005). A denial of due process occurs when "the rendering state 1) lacked personal jurisdiction over the judgment debtor, 2) lacked subject matter jurisdiction, [or] 3) *failed to provide the judgment debtor adequate notice and an opportunity to be heard." Id.,* at 538 (alteration in original), quoting *In Sik Choi v. Kim,* 50 F.3d 244, 248 (3d Cir. 1995) (emphasis added).

An Arizona decision held that the lack of notice violated Appellants' due process rights, and the court of appeals thus reversed the superior court's order and vacated the order domesticating the Pennsylvania judgment. *Brubaker v. Engines Direct Distribs., LLC,* 2016 Ariz. App. Unpub. LEXIS 1226, at *5-6 (Ariz. App. Sep. 29, 2016). Other courts have held the same way. See, e.g., *State of Maine v. SeKap, S.A. Greek Co-op Cigarette Mfg. Co.,* 392 N.J. Super. 227, 235, 920 A.2d 667 (N.J. App. Div. 2007) ("[T]he judgment debtor may raise due process defenses in any enforcement action in New Jersey under the UEFJA."); *Strod v. Lewenstark,* 958 So. 2d 1138, 1138 (Fla. Dist. Ct. App. 2007) (appellant's due process rights were violated in this case, as the mother and the court clerk did not comply with the notice requirements either fully or substantially.); *Playnation Play Sys. v. Guajardo,* 2007 Tex. App. LEXIS 3869, at *9 (Tex.

App. May 17, 2007) (if the Texas court finds that a foreign court lacked jurisdiction over the parties or property because it did not allow the defendant to appear, present his or her case, or be fully heard, then the judgment must be ruled null and void.); *Thoma v. Thoma*, 1997 NMCA 16, ¶ 8, 123 N.M. 137, 934 P.2d 1066 (N.M. App. 1997) ("Such defenses include "lack of personal or subject matter jurisdiction, fraud in procuring the judgment, *lack of due process, or other grounds making the judgment invalid or unenforceable.*") (emphasis added); *Mapco, Inc. v. Forrest*, 795 S.W.2d 700, 703 (Tex. 1990) (judgments are void for lack of personal jurisdiction if rendered contrary to constitutional or valid statutory prohibition).

1. Defendant was denied his due process rights to challenge the Arizona Judgment

There was a valid settlement agreement between the parties, and Defendant lost his due process rights to challenge the judgment pursuant to that agreement in Arizona.

At the time of executing the Settlement Agreement, the Judgment would be collectible for only five years. Thus, any collection efforts would be barred following May 2019. In addition, the Settlement Agreement contained terms that prevented the Plaintiffs from executing on the Judgment. Plaintiffs have failed to produce the Settlement Agreement and demonstrate that they have abided by all the terms. These are issues that are now lost.

In *Price v. Dunn*, the Nevada Supreme Court held that the Due Process Clause requires a party to exercise due diligence in notifying a defendant of a pending action. 106 Nev. 100, 103, 787 P.2d 785, 787 (1990) ("Where other reasonable methods exist for locating the whereabouts of a defendant, plaintiff should exercise those methods."). Clearly, Plaintiff failed to exercise due diligence in this case in notifying Defendant. Plaintiff received the case file three or four months before it initiated the domestication of the Arizona Judgment. In similar fashion, Plaintiff spent another four months attempting to locate Defendant, an active member of the Nevada Bar—whose law office his located one block from this courthouse. These efforts evidence Plaintiff's

failure to exercise to due diligence in notifying Defendant. As a result, it is clear that Defendant's due process rights were violated.

2. Defendant was denied his due process rights in that his defenses were limited in Nevada

In the same manner, Defendant's due process rights were abridged as the defenses preserved by Nevada's Uniform Enforcement of Foreign Judgments Act and available under NRCP 60(b) are *limited* to those defenses that a judgment debtor may constitutionally raise under the full faith and credit clause and which are directed to the validity of the foreign judgment. *Clint Hurt & Assocs. v. Silver State Oil & Gas Co.,* 111 Nev. 1086, 1088, 901 P.2d 703, 705 (Nev. 1995); *Rosenstein*, supra, at 573, 747 P.2d at 232. Here, it is clear that Defendant forfeited certain defenses in Nevada court.

"Nevada courts will refuse to recognize a judgment or order of a sister state if there is "a showing of fraud, lack of due process, or lack of jurisdiction in the rendering state." *Gonzales-Alpizar v. Griffith, 317* P.3d 820, 826 (Nev. 2014), quoting *Rosenstein,* at 573. See generally, *SeKap, S.A. Greek Co.-op. Cigarette Mfg., S.A.,* supra, at 675 (Since "the UEFJA . . . was not intended to alter any substantive rights of the parties," we construed N.J.S.A. 2A:49A-27 and R. 4:50-1(f) to permit a collateral challenge in New Jersey to a domesticated foreign judgment only on due process grounds.").

F. ENFORCEMENT OF THE ARIZONA JUDGMENT SHOULD BE DENIED UNDER A THEORY OF LACHES

Laches is an equitable doctrine which may be invoked when delay by one party works to the disadvantage of the other, causing a change of circumstances which would make the grant of relief to the delaying party inequitable. *Miller v. Burk*, 124 Nev. 579, 598, 188 P.3d 1112, 1125 (Nev. 2008) (citation omitted) (internal quotations omitted).

To determine whether a challenge is barred by the doctrine of laches, the court considers (1) whether the party inexcusably delayed bringing the challenge, (2) whether the party's

inexcusable delay constitutes acquiescence to the condition the party is challenging, and (3) whether the inexcusable delay was prejudicial to others. *Id.*

Laches is primarily a factual, not legal, determination. *Telecheck Servs. v. Gierer,* 2015 Nev. Unpub. LEXIS 616, at *3 (Nev. May 20, 2015) ("the applicability of laches depends on the facts of the case"), citing *Modjeski v. Fed. Bakery of Winona, Inc.,* 307 Minn. 432, 240 N.W.2d 542, 546 (Minn. 1976).

Although, laches is an affirmative defense which must be specially pleaded (NRCP 8(c)) and if not so pleaded it is waived, NRCP 12(b) and (h), this case warrants consideration of this equitable doctrine, especially where Plaintiff's actions cause Defendant substantial harm and prejudice. Defendant Flangas can no longer challenge the enforcement of the Judgment in Arizona based on the compliance of the Settlement Agreement due to Plaintiff's failure to renew the Judgment.

1. Plaintiff's inexcusably delayed bringing the challenge

In this case, it is abundantly clear from the record that Plaintiff has provided no excuse for delaying its enforcement of this judgment. Plaintiff waited until the very last minute to attempt to have this Court enforce the Arizona Judgment. In doing so, it failed to strictly comply with the procedural requirements set out in Arizona statutes, which explicitly states the affidavit of renewal must be filed 90 days prior to five-year expiration. A.R.S. § 12–1612(B). Plaintiff's actions provide ample evidence of Plaintiff's inexcusably delay in bringing the challenge.

2. Plaintiff's inexcusably delay constitutes acquiescence to the condition the party is challenging

In this case, it is also abundantly clear from the record that Plaintiff's inexcusable delay is acquiescence to forgo the enforcement of the Arizona Judgment in Nevada. If it was Plaintiff's intent to bring about a swift resolution to this litigation, it would have quickly located Defendant,

a well-known practicing attorney in Las Vegas—an attorney whose office is located one block from this courthouse. Instead, Plaintiff delayed several months in initiating the domestication of the Arizona Judgment. Then, Plaintiff spent an additional four months attempting to verify notice to Defendant of the domesticated judgment. These actions are not the actions of a Plaintiff who is seeking swift justice from this Court. Rather, this inexcusable delay constitutes Plaintiff's acquiescence to abandon its efforts to enforce the Judgment.

3. Plaintiff's inexcusably delay was prejudicial to Defendant

In this case, the record clearly evidences that Plaintiff's inexcusable delay prejudiced Defendant.

Due to the delay, Defendant Flangas cannot challenge the enforcement of the Judgment based on the compliance by the Plaintiff of the Settlement Agreement and at the time of the entry of the Settlement Agreement the statute of limitations was set at 5years.

It is clear that Defendant satisfies all three of the considerations that Nevada courts apply in determining whether laches is properly asserted.

"Laches is more than mere delay in seeking to enforce one's rights, it is delay that works a disadvantage to another." *Home Savings Ass'n v. Bigelow*, 105 Nev. 494, 496, 779 P.2d 85, 86 (1989). "The condition of the party asserting laches must become so changed that he cannot be restored to his former state." *Id.* Defendant has clearly shown that Plaintiff's inexcusable delay has caused a prejudicial impact and injury to him. Because of this, his motion should be granted.

G. PLAINTIFF SHOULD BE ESTOPPED FROM SEEKING ENFORCEMENT OF THE ARIZONA JUDGMENT

The Nevada Supreme Court has identified three purposes for which statutes of limitations are intended to operate:

> First, there is an evidentiary purpose. The desire is to reduce the likelihood of error or fraud that may occur when evaluating factual matters occurring many years before. Memories fade, witnesses disappear, and evidence may be lost.

> Second, there is a desire to assure a potential defendant that he will not be liable under the law for an indefinite period of time. Third, there is a desire to discourage prospective claimants from "sleeping on their rights.

Double Diamond Ranch Master Ass'n v. Second Judicial Dist. Court, 354 P.3d 641, 645 (Nev. 2015). Certainly, the third purpose elucidated by the supreme court is relevant here. Plaintiff took no proactive measures to enforce the Arizona Judgment until the 11th hour. Plaintiff failed to properly renew the Judgment in Arizona has required by that state's law. With that in mind, the Nevada Supreme Court's holding in a 1941 decision is persuasive:

> The defendant should have complied with the plainly expressed terms of the contract, and pursued the course therein indicated, as they had solemnly agreed to do. We cannot help them when they fail to help themselves, for *the law lends its aid to the vigilant and denies it to those who sleep upon their rights.* Parties should assert their rights in due season and according to their own stipulations, where they claimed under a contract.

Chiquita Mining Co. v. Fairbanks, Morse & Co., 60 Nev. 142, 152, 104 P.2d 191, 196 (Nev. 1940), quoting *A. B. Farquhar Co. v. Hardy Hardware Company,* 174 N. C. 369, 93 S.E. 922, 925 (N.C. 1917) (emphasis added). Plaintiff should not be rewarded for sleeping on its rights. The court's enforcement of this judgment should be denied. Defendant's motion must be granted.

H. ENFORCEMENT OF THE ARIZONA JUDGMENT IS CONTRARY PUBLIC POLICY

The Nevada Supreme Court has held that the district court is required to consider the underlying public policy of deciding a case on the merits whenever possible. *Yochum v. Davis,* 98 Nev. 484, 487, 653 P.2d 1215, 1217 (1982) ("[T]he court must give due consideration to the state's underlying basic policy of resolving cases on their merits wherever possible").

In the same light, a foreign judgment need not be recognized if, among other things: (1) the claim for relief on which the judgment is based is repugnant to the public policy of the forum

state; (2) "the judgment conflicts with another final and conclusive judgment"; or (3) the proceeding in the foreign court was contrary to an agreement between the parties under which the dispute was to be settled other than by proceedings in a foreign court. *Huse v. Huse-Sporsem, A.S. (In re Birting Fisheries, Inc.),* 300 B.R. 489, 502-03 (B.A.P. 9th Cir. 2003). Here, it is clear that this rationale for court not to recognize a foreign judgment is applicable. Certainly, Plaintiff's attempt to collect on a judgment that is no longer valid or enforceable is repugnant to the public policy of the forum state, Arizona—as well as the State of Nevada. Because of this, Defendant's motion should be granted.

I. CONTRACT PRINCIPLES OVERIDE THE UEFJA.

This case involves an Arizona Judgment entered pursuant to a Settlement Agreement between the parties. The UEFJA does not override the parties right to contract. The parties agreed to an Arizona Judgment being entered on the express terms of the Settlement Agreement. Plaintiff has not demonstrated the right to enforce the Judgment based on non-compliance of the Settlement Agreement. There is no provision or agreement that the Arizona Judgment can be domesticated in Nevada, the known residence of Defendant Flangas at the time the Settlement Agreement and Judgment entered.

Now that the Judgment is no longer viable in Arizona, the Plaintiff's violate the terms and spirit of the Settlement Agreement by attempting to domesticate the Judgment in Nevada.

III.

CONCLUSION

The Nevada Supreme Court noted:

> British statesman William E. Gladstone recognized long ago that 'justice delayed is justice denied.' Procedural rules governing timelines and filing fees are therefore in place for a reason: they promote cost-effective, timely access to the courts. *It runs contrary to these important goals when parties fail to abide by this court's rules and directives.*

Weddell v. Stewart, 127 Nev. 645, 650, 261 P.3d 1080, 1084 (Nev. 2011) (internal citations omitted) (emphasis added).

A forum state is not constitutionally required to enforce a sister-state judgment if the enforcement is sought after the expiration of that state's statute of limitation on judgments. *Watkins v. Conway*, 385 U.S. 188, 189, 87 S. Ct. 357, 17 L. Ed. 2d 286 (1966). As such, this Court is not mandated to grant Plaintiff relief, especially in light of the settlement agreement between the parties and the arguments made in this memorandum.

Wherefore based on the foregoing it is respectfully that this Court grant this Motion in its entirety, by voiding the Judgment, compelling the release of any claimed liens and any other relief which may be appropriate under the circumstances.

Dated this 25th day of February 2020.

By: /s/ Ian Christopherson
IAN CHRISTOPHERSON, ESQ.
Nevada Bar No. 3701
Attorneys for Defendant, Leonidas P. Flangas

DECLARATION OF LEONIDAS FLANGAS IN SUPPORT OF MOTION

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

Declarant, being first duly sworn on oath, states as follows:

1. Declarant is the Defendant/Counter-Defendant in this matter; as such I have personal knowledge of the facts and competent to testify herein.

2. On May 5, 2014 the Judgment was entered in the former Arizona action.

3. At the time of executing the Settlement Agreement, the Judgment would be collectible for only five years. Thus, any collection efforts would be barred following May 2019. In addition, the Settlement Agreement contained terms that prevented the Plaintiffs from executing on the Judgment. Plaintiffs have failed to produce the Settlement Agreement and demonstrate that they have abided by all the terms. The Settlement Agreement was agreed to with the understanding that the Judgment would be collectible for only 5 years in Arizona and subject to the laws of Arizona.

4. Under Arizona statute the Judgment would only be collectible for five years, and the affidavit of renewal must be filed 90 days prior to five-year expiration. A.R.S. § 12–1612(B).

5. The Settlement Agreement consented to an Arizona Judgment not a Nevada Judgment or jurisdiction under Nevada. That at the time I entered into the Settlement Agreement, I was a resident and practicing attorney in Las Vegas, Nevada, and had no contacts with Arizona.

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6. Perfekt did not renew the Judgment by filing an affidavit of renewal 90 days prior to the five-year period. The Judgment is void.

Pursuant to NRS § 53.045 "I declare under penalty of perjury that the foregoing is true and correct.

Dated this 25th day of February 2020.

/s/ Leonidas Flangas
Leonidas Flangas

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of February 2020, I served a copy of the foregoing **DEFENDANT FLANGAS SUPPLEMENTAL BRIEF** upon each of the following persons via the Odyssey E-Filing System pursuant to NRCP 5(b)(2)(D) and EDCR 8.05:

Master Calendering	mail@nelsonlawfirmlv.com
Vernon Nelson	vnelson@nelsonlawfirmlv.com
Allicia B Tomolo	atomolo@nelsonlawfirmlv.com

Dated this 25th day of February 2020.

/s/ Ian Christopherson
Ian Christopherson, Esq.

EXHIBIT “10”

Electronically Filed
06/04/2020
CLERK OF THE COURT

ORDR
VERNON A. NELSON, JR., ESQ.
Nevada Bar No.: 6434
THE LAW OFFICE OF VERNON NELSON
6787 W. Tropicana Ave., Ste. 103
Las Vegas, NV 89103
T: 702-476-2500 | F: 702-476-2788
vnelson@nelsonlawfirmlv.com
Attorneys for Perfekt Marketing LLC

DISTRICT COURT

COUNTY OF CLARK, STATE OF NEVADA

PERFEKT MARKETING L.L.C, an Arizona limited liability company, Plaintiff, v. LEONIDAS P. FLANGAS, an individual; ATLANTIS CONCIERGE SERVICES, LLC, a Nevada limited liability company; DIAMOND DESTINATIONS, LLC, a Nevada limited liability company, Defendants.	Case No.: A-19-788870-F Dept No.: VIII **ORDER DENYING DEFENDANT LEONIDAS P. FLANGAS' MOTION TO STRIKE OR RELIEF FROM VOID JUDGMENT**
LEONIDAS P. FLANGAS, an individual; ATLANTIS CONCIERGE SERVICES, LLC a Nevada limited liability company; DIAMOND DESTINATIONS, LLC a Nevada limited liability company, Counterclaimants, v. PERFEKT MARKETING, LLC, an Arizona limited liability company; JOHN DOES 1-5 ; XYZ CORP 1-5, Counterdefendants.	

Defendant Leonidas P. Flangas' Motion to Strike or Relief from Void Judgment having come on for hearing and the Court having reviewed the papers and pleadings filed by the respective parties, and good cause appearing therefore,

THE LAW OFFICE OF VERNON NELSON
ATTORNEY AT LAW

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendant Leonidas P. Flangas' Motion to Strike or Relief from Void Judgment is hereby DENIED for the reasons outlined in Plaintiff's Opposition and Supplement to Opposition, particularly, that the filing date of the application of foreign judgment is the effective date of the Nevada Judgment. Further, that there is no requirement that the notice of foreign judgment be served upon judgment debtor.

Dated this _____ day of May, 2020.

Dated this 4th day of June, 2020

DISTRICT COURT JUDGE
70A 28B DC93 6EAF
Trevor Atkin

PREPARED AND SUBMITTED BY:

THE LAW OFFICE OF VERNON NELSON

By: /s/ Vernon A. Nelson, Jr., Esq.
VERNON A. NELSON, JR., ESQ.
Nevada Bar No.: 6434
6787 W. Tropicana Ave., Ste. 103
Las Vegas, NV 89103
T: 702-476-2500 | F: 702-476-2788
vnelson@nelsonlawfirmlv.com
Attorneys for Perfekt Marketing LLC

APPROVED AS TO FORM AND CONTENT:

By: REFUSED TO SIGN
Ian Christopherson, Esq.
Nevada Bar No.: 3701
600 South Third Street
Las Vegas, Nevada 89101
Email: iclaw44@gmail.com
Attorneys for Defendant, Leonidas P. Flangas

DISTRICT COURT
CLARK COUNTY, NEVADA

Perfekt Marketing, LLC, Plaintiff(s) vs. Leonidas Flangas, Defendant(s)	CASE NO: a-19-788870-f DEPT. NO. Department 8

AUTOMATED CERTIFICATE OF SERVICE

This automated certificate of service was generated by the Eighth Judicial District Court. The foregoing Order of Dismissal was served via the court's electronic eFile system to all recipients registered for e-Service on the above entitled case as listed below:

Envelope ID: 6140669
Service Date: 6/4/2020

Vernon Nelson	vnelson@nelsonlawfirmlv.com
Master Calendering	mail@nelsonlawfirmlv.com
Natasha Smith	natasha@flangaslawfirm.com
Leo Flangas	leo@flangaslawfirm.com
Flangas Documents	documents@flangaslawfirm.com
IAN CHRISTOPHERSON	iclaw44@gmail.com
Legal Assistant	legalassistant@nelsonlawfirmlv.com
Charles ("CJ") Barnabi Jr.	cj@barnabilaw.com
Ana Brady	anab@nelsonlawfirmlv.com

EXHIBIT “11”

Electronically Filed
6/5/2020 11:15 AM
Steven D. Grierson
CLERK OF THE COURT

NEO
VERNON A. NELSON, JR., ESQ.
Nevada Bar No.: 6434
THE LAW OFFICE OF VERNON NELSON
6787 W. Tropicana Ave., Ste. 103
Las Vegas, NV 89103
T: 702-476-2500 | F: 702-476-2788
vnelson@nelsonlawfirmlv.com
Attorneys for Perfekt Marketing LLC

DISTRICT COURT

COUNTY OF CLARK, STATE OF NEVADA

PERFEKT MARKETING L.L.C, an Arizona limited liability company, Plaintiff, v. LEONIDAS P. FLANGAS, an individual; ATLANTIS CONCIERGE SERVICES, LLC, a Nevada limited liability company; DIAMOND DESTINATIONS, LLC, a Nevada limited liability company, Defendants.	Case No.: A-19-788870-F Dept No.: VIII **NOTICE OF ENTRY OF ORDER DENYING DEFENDANT LEONIDAS P. FLANGAS' MOTION TO STRIKE OR RELIEF FROM VOID JUDGMENT**
LEONIDAS P. FLANGAS, an individual; ATLANTIS CONCIERGE SERVICES, LLC a Nevada limited liability company; DIAMOND DESTINATIONS, LLC a Nevada limited liability company, Counterclaimants, v. PERFEKT MARKETING, LLC, an Arizona limited liability company; JOHN DOES 1-5 ; XYZ CORP 1-5, Counterdefendants.	

PLEASE TAKE NOTICE that on the 4th day of June, 2020, an Order was entered on the

. . .

. . .

. . .

THE LAW OFFICE OF VERNON NELSON
ATTORNEY AT LAW

Court's docket. A copy of said Order is attached hereto.

Dated this 5th day of June, 2020.

THE LAW OFFICE OF VERNON NELSON

By: */s/ Vernon A. Nelson*

VERNON A. NELSON, JR., ESQ.
Nevada Bar No.: 6434
6787 W. Tropicana Ave., Ste. 103
Las Vegas, NV 89103
Tel: 702-476-2500
Fax: 702-476-2788
E-Mail: vnelson@nelsonlawfirmlv.com
Attorney for Plaintiff

CERTIFICATE OF SERVICE
Case No.: A-19-788870-F, Dept. 8

I am over the age of eighteen (18) years and not a party to the within entitled action. I am employed by The Law Office of Vernon Nelson, PLLC, 6787 W. Tropicana Avenue, Ste. 103, Las Vegas, Nevada 89103. I am readily familiar with The Law Office of Vernon Nelson, PLLC's practice for collection and processing of documents for delivery by way of the service indicated below.

On June 5, 2020, I served the following document(s):

NOTICE OF ENTRY OF ORDER DENYING DEFENDANT LEONIDAS P. FLANGAS' MOTION TO STRIKE OR RELIEF FROM VOID JUDGMENT

on the interested party(ies) in this action as follows:

☐ **By Mail.** By placing said document(s) in an envelope or package for collection and mailing, addressed to the person(s) at the address(es) listed above, following our ordinary business practices. I am readily familiar with the firm's practice for collection and processing of mail. Under that practice, on the same day that mail is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service, in a sealed envelope or package with the postage fully prepaid.

☐ **By Facsimile Transmission.** Based on an agreement of the parties to accept service by facsimile transmission or by Court order; or as a courtesy copy, I caused said document(s) to be transmitted to the person(s) at the facsimile number(s) listed above. The facsimile transmission was reported as complete and a copy of the transmission report will be maintained with the document(s) in this office.

By Electronic Service. Pursuant to Administrative Order 14-2 and Rule 9 of the NEFCR I caused said documents(s) to be transmitted to the person(s) identified in the E-Service List for this captioned case in Odyssey E-File & Serve of the Eighth Judicial District Court, County of Clark, State of Nevada. A service transmission report reported service as complete and a copy of the service transmission report will be maintained with the document(s) in this office.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

/s/ Ana Brady
An Employee of The Law Office of Vernon Nelson

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06/04/2020
CLERK OF THE COURT

ORDR
VERNON A. NELSON, JR., ESQ.
Nevada Bar No.: 6434
THE LAW OFFICE OF VERNON NELSON
6787 W. Tropicana Ave., Ste. 103
Las Vegas, NV 89103
T: 702-476-2500 | F: 702-476-2788
vnelson@nelsonlawfirmlv.com
Attorneys for Perfekt Marketing LLC

DISTRICT COURT

COUNTY OF CLARK, STATE OF NEVADA

PERFEKT MARKETING L.L.C, an Arizona limited liability company, Plaintiff, v. LEONIDAS P. FLANGAS, an individual; ATLANTIS CONCIERGE SERVICES, LLC, a Nevada limited liability company; DIAMOND DESTINATIONS, LLC, a Nevada limited liability company, Defendants.	Case No.: A-19-788870-F Dept No.: VIII **ORDER DENYING DEFENDANT LEONIDAS P. FLANGAS' MOTION TO STRIKE OR RELIEF FROM VOID JUDGMENT**
LEONIDAS P. FLANGAS, an individual; ATLANTIS CONCIERGE SERVICES, LLC a Nevada limited liability company; DIAMOND DESTINATIONS, LLC a Nevada limited liability company, Counterclaimants, v. PERFEKT MARKETING, LLC, an Arizona limited liability company; JOHN DOES 1-5 ; XYZ CORP 1-5, Counterdefendants.	

Defendant Leonidas P. Flangas' Motion to Strike or Relief from Void Judgment having come on for hearing and the Court having reviewed the papers and pleadings filed by the respective parties, and good cause appearing therefore,

THE LAW OFFICE OF VERNON NELSON
ATTORNEY AT LAW

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendant Leonidas P. Flangas' Motion to Strike or Relief from Void Judgment is hereby DENIED for the reasons outlined in Plaintiff's Opposition and Supplement to Opposition, particularly, that the filing date of the application of foreign judgment is the effective date of the Nevada Judgment. Further, that there is no requirement that the notice of foreign judgment be served upon judgment debtor.

Dated this _____ day of May, 2020.

Dated this 4th day of June, 2020

DISTRICT COURT JUDGE
70A 28B DC93 6EAF
Trevor Atkin

PREPARED AND SUBMITTED BY:

THE LAW OFFICE OF VERNON NELSON

By: /s/ Vernon A. Nelson, Jr., Esq.
VERNON A. NELSON, JR., ESQ.
Nevada Bar No.: 6434
6787 W. Tropicana Ave., Ste. 103
Las Vegas, NV 89103
T: 702-476-2500 | F: 702-476-2788
vnelson@nelsonlawfirmlv.com
Attorneys for Perfekt Marketing LLC

APPROVED AS TO FORM AND CONTENT:

By: REFUSED TO SIGN
Ian Christopherson, Esq.
Nevada Bar No.: 3701
600 South Third Street
Las Vegas, Nevada 89101
Email: iclaw44@gmail.com
Attorneys for Defendant, Leonidas P. Flangas